ANNALS

OF THE

AMERICAN ACADEMY

OF

POLITICAL AND SOCIAL SCIENCE.

THE SOURCES OF AMERICAN FEDERALISM.

In applying the historical method to the study of the American political system it is not enough to trace the origin and growth of the various branches of the federal government. The origin of the forms of the federal government presents no great historical difficulties to one who has carefully studied the constitutional history of the early States and colonies. He finds that the central government of the United States, in its general structure and its various branches, is scarcely more than a reproduction on a higher plane of the governmental forms existing in the previous States, and more remotely in the early colonies.

It is not difficult, for example, to see that the offices of president and vice-president of the United States were modeled after the offices of the governor and deputy-governor, or as they were sometimes called the president and vice-president, of the previous States,—which in turn grew out of the offices of governor and deputy-governor of the early colony. One can also see that the bicameral system of the federal government, with its co-ordinate branches of Senate and

House of Representatives, was a continuation of the bicameral system already existing in the several States, with its similar co-ordinate branches, having similar names and similar relative functions; and that this bicameral system of the States had itself grown out of the distinction which primarily existed between the "assistants" and the "deputies" in the General Court of the colony, after the growth of representation.* And if one looks back still farther he finds that the typical structure of the early colony was simply a continuation of the structure already existing in the trading company, which in its typical form possessed identically the same organization as that of the typical colony—consisting in each case of a governor, a deputy-governor, a council of assistants, and a general court or assembly of freemen.† In short, the student of American institutions finds that the federal government, in its general structure and various branches, was developed from organic forms which had had a continuous existence in the trading companies, in the early colonies, and in the original States of the Union.

But while we may thus explain historically the structural elements of the federal government of the United States by bringing them under the law of continuity, we have not thereby explained that which is most distinctive and characteristic of the American political system. The transition by which the American States became the United States of America, did not consist merely in the formation of a new central government, based upon the previous State governments. It certainly included this, but it was something more. It was pre-eminently the integration of the existing State communities into a larger political society in which the States became organized as integral and constituent elements, with their essential structure and functions unchanged, except so far as was necessary to effect a true organic union between the States themselves. It was, perhaps, the most

*Cf. "First State Constitutions," ANNALS, Vol. iv, p. 201, September, 1893.
†Cf. "Genesis of a Written Constitution," ANNALS, Vol. i. p. 529, April, 1891.

conspicuous example in all history of the formation of a great state in accordance with what may be regarded as the normal law of political evolution, that is, the integration of a new political organism, by preserving the structure and functions of the parts of which it is composed, and by maintaining at the same time an organic relationship between those parts and the whole body-politic.

The chief difficulty in explaining the genesis of the American federal system, arises from the fact that, while federalism seems to represent a normal process of political growth, there was, at the time the Federal Union was formed, no state or political system in the Old World from which the idea of such a union can properly be said to have been derived. The tendency toward the formation of large states, which had shown itself in the previous periods of the world's history, had either failed through an excessive spirit of local independence; or else where it had succeeded it had almost uniformly been attended by the decay of local freedom and autonomy. In ancient times the city-states of Greece had been followed by the all-embracing imperialism of Rome; in more modern times the petty sovereignties of feudal Europe had been absorbed by the autocratic monarchies of the sixteenth and seventeenth centuries. Although federalism, as a principle of normal political growth, may be considered as old as human society, its influence in the past had been continually overcome by disintegrating or centralizing forces, and hence the American system, established by the Constitution of 1787, had no existing counterpart in the Europe of the eighteenth century. It was not a consolidated state, like England or France; neither was it a mere confederation of states, like the Dutch or Swiss republics. It was a true federal state (*Bundesstaat*) in the most technical sense of that term.

The distinctive character and great significance of the United States in the world's history can hardly be understood without an appreciation of federalism itself as a

principle of political growth and organization. The circumstances which have attended the formation of some federal states have often tended to obscure the real nature of this principle. Because we are accustomed to think of the United States, for example, as originally formed by the aggregation of previously independent States, it is often supposed that a federal state can only be one which has grown up through the process of aggregation, that it can come into being only by the delegation of certain powers on the part of the constituent communities which have united for that special purpose. But the federal republics of Mexico and Brazil and the federal system of Canada, have been formed not by such a process of aggregation, but by the reverse process of segregation and decentralization. And it might even be said that all the States of the American Union, with the exception of the original thirteen, have become parts of the American federal system, not by delegating powers to the central government, but by receiving from the central government powers similar to those possessed by the original thirteen. The powers of the constituent States thus mentioned are not intrinsic and original, but extrinsic and derived. But no one would deny that the constituent States of Mexico and Brazil, and the thirty-one new States of the American Union are as truly parts of a federal system as though they had once actually possessed the character of independent and sovereign communities. Moreover, the advocacy by eminent statesmen of the "federalization" of the British Empire indicates the accepted belief that a federal system can be developed by the process of segregation, as well as of aggregation. The fact seems to be that the nature of a federal state does not depend so much upon its origin, as upon the peculiar distribution of political powers by which it is characterized.

The inchoate stages through which a loose confederation has sometimes passed in the development of a supreme federal government often makes it difficult to draw a clear line

of distinction between such a confederation and a true federal state. Professor Freeman, in his "History of Federal Government in Greece and Italy," has indicated the difficulty of separating the early stages of federalism from its complete and perfected form. But while this writer, in following out the scope of his work, has described many imperfect forms of the federal system, he has none the less given us a clear and intelligible description of what constitutes a true federal government. "Two requisites," he says, "seem necessary to constitute a federal government in its perfect form. On the one hand, each of the members of the union must be wholly independent in those matters which concern each member only. On the other hand, all must be subject to a common power in those matters which concern the whole body of members collectively. Each member," he continues, "is perfectly independent within its own sphere; but there is a sphere in which its independence, or rather its separate existence, vanishes. It is invested with every right of sovereignty on one class of subjects; but there is another class of subjects on which it is as incapable of independent action as any province or city of a monarchy or an indivisible republic. . . . This complete division of sovereignty," he concludes, "we may look upon as essential to the absolute perfection of the federal ideal."*

While this last proposition of Professor Freeman is at variance with the theory generally accepted by political scientists, namely, that sovereignty is ultimate and indivisible, we may accept his general statement as fairly descriptive of the federal idea; and we may even reconcile his view with the scientific theory of sovereignty by saying that, while the sovereign authority of a state is the ultimate and indivisible source of all political powers, these powers themselves may be divided and distributed, certain powers being exercised independently by a central government, and certain other powers being exercised equally independently by the

* "History of Federal Government in Greece and Italy." Ed. 1893, pp. 2 and 3.

constituent members of the body-politic. The essential idea of federalism seems to be that of duality, or the co-ordination of two separate systems of government, each independent within its own sphere, but both dependent upon a fundamental law which defines the boundary line between these spheres of independent action. This is true whether, as in some federal systems, the central powers are delegated and the local powers residuary; or, as in other systems, the local powers are delegated and the central powers residuary.

The principle of duality may, it is true, apply merely to the government, and not to the whole body-politic—including the rights and duties of citizenship. In such a case it may be said that there is no federal *state* in the proper sense, but only a system of federated governments; the central government, in exercising its authority or in making its requisitions, comes into relation with the constituent governments only, and has no direct relation with the citizens themselves. But a "state," in the proper sense, is something more than a government. It comprehends the whole body-politic. It is the entire political organism, composed alike of a system of government and a community of citizens. A perfect "federal state" must therefore possess not only a dual government, but also a dual citizenship. Not only is the exercise of authority on the part of the government divided and co-ordinated, but also the possession of rights and duties on the part of the citizen is similarly divided and co-ordinated. Each government, whether central or constituent, exercises within its own sphere an independent and direct authority over every citizen, and in turn every citizen possesses distinct spheres of rights and duties sanctioned and enforced by each government. This duality, both of government and citizenship, evidently marks the highest conception of the federal state. And it is this conception of federalism which has found its largest and most complete expression in the organic structure of the American Union.

In reading the records of the Constitutional Convention

of 1787 we find that the great difficulties which attended the formation of the Federal Constitution were not so much those which related to the mere forms of the central government, as those which related to the basis of that government and to the relative status of the constituent communities. The real problem before the convention, whether consciously perceived or not, was not simply to form a federal *government*, but what was far more refined and difficult, to construct a true federal *state*—a body-politic in which the principle of duality should apply not only to the exercise of legislative, executive and judicial powers, but also to the possession of rights and duties on the part of all those who should become subjects of the federated authority. While the model upon which the several branches of a new government could be constructed were clearly apparent in every American State, the principles which should enter into a completely federalized body-politic were not so conspicuously manifest. And it was only by a laborious sifting and careful adjustment of divergent notions that the peculiar ideas which characterize American federalism were finally brought to light in the Convention of 1787.

No one can, of course, claim that the principles of American federalism, any more than the particular forms of the central government, were created by that famous body of statesmen whom we sometimes reverently call the "Fathers." On the other hand no one can be justified in the belief that the American Union was a mere modification or outgrowth of any previous alliance which had existed between the colonies or States. No authoritative historian of the Constitution has ever entertained the superficial view that that document was a mere variation of the Articles of Confederation. It is certain that those who participated in its formation never had such a view. Its opponents objected to it for the very reason that it was essentially and radically different from the previous Articles. And its advocates supported it and adopted it because they believed that the existing

Articles were utterly inadequate to express the political ideas and to meet the political needs of the American people. The new political system was a modification neither of the Confederation of 1781, nor of the Albany Union of 1754, nor of the New England Confederacy of 1643. These superficial alliances served, it is true, to bring the colonies and States into more amicable relations, by which they could aid each other against their common foes. But none of them contained the essential and distinctive features of that composite state-system which was established by the Constitution of 1787. We must search deeper into American political life, and perhaps into the common political life of our Teutonic, and even our Aryan ancestors to find the true historical sources of American federalism.

That the germs of a true federal state already existed in the political institutions of America, although not embodied in the Articles of Confederation or in any previous alliance of a similar nature, is a fact which is susceptible of the clearest proof. That these federative principles determined to a large extent the internal growth and structure of the early colonies, especially those of New England, is also a proposition which can be readily demonstrated. Moreover, it can be shown that these peculiar federative features, which marked the structure of many American colonies, were not derived from any contemporary institutions of Europe, but were rather the outgrowth of fundamental race instincts which had survived the general wreck of political liberty on the Continent and in England—instincts which had in fact given birth to the primitive European state, which had in ancient times presided over the genesis of political institutions in Greece and in Italy, as well as in the Teutonic world, both in Germany and in Anglo-Saxon England, but which had been suppressed by centuries of centralization, and were again brought into consciousness and efficient activity only with the throes of the Puritan Revolution, a revolt against centralized authority which reached its most

logical outcome, not in England, but on the shores of the New World.

It will, of course, be impossible within the limits of this paper to illustrate in an adequate way the line of historical continuity suggested by these propositions. Every student of institutional history must be impressed with the importance of federalism as a principle of political organization in the early stages of human society. The natural and almost spontaneous way in which the early integrations of society were effected by the differentiation and coalescence of elementary groups and the well-nigh universal tendency in the early period to blend a qualified local independence with a qualified central authority seem to show that federalism is in some sense a normal principle in the growth and organization of political society. The greatest English authority upon early federalism, Professor Freeman, in studying the ancient Greek confederations of cities, which culminated in the Achaian League, was convinced that some form of federalism existed in Greece even before the formation of cities.* Dr. Arnold, from his researches into the early history of the Italian communities, was led to make a more general statement, to the effect that "the system of federation existed everywhere in the early state of society."†

The comparative study of Greek, Roman and Teutonic society enables us to see why the early Greek and Italian cities, as well as the ancient German tribes, were but the result of a normal federative process which had been going on from the earliest times. We see that the largest political group which presents itself at the beginning of the historical period, whether the Greek city, the Italian hill-town, or the Teutonic tribe, resulted from the federation of smaller groups, namely, the Greek *phratry*, the Italian *curia*, the Teutonic hundred. We also see that these groups in turn were made up of still smaller groups, namely, the Greek

* "History of Federal Government," p. 112.
† "Arnold's Life," Vol. i, p. 273, quoted by Freeman.

genos, the Italian *gens*, the Teutonic mark or village community. And finally we observe that these in their turn were composed of a number of kindred or neighboring households. The earliest European society is thus presented to us as made up of a series of concentric circles of social and political life. The household, under the power of the father, was the integral unit of the social organism. A union of households, joined either by kindred or vicinage, constituted the *gens* or village community, under the control of its head-man, its council or village assembly. In each succeeding stage of federation, the higher group assumed only the power necessary to control the interests which were common to the constituent communities, while the lower groups retained their control over matters which were purely local. Every person was thus subject to the authority of every group, whether lower or higher, within the sphere of its graduated authority. By such a continuous process of federation, when uninterrupted by abnormal conditions, was finally formed the typical Greek city, the Italian hill-town and the Teutonic tribe.

But even at an early period of European history these political societies were beginning to integrate into larger confederations; for example, the leagues of Phocis, of Bœotia, of Ætolia, of Achaia in Greece; the leagues of Etruria, of Samnium, of Latium in Italy; the confederations of the Franks, of the Saxons, of the Allemanni among the Germans. Of all these confederations, that of Achaia approached most closely to a true federal state. Each constituent government in the Achaian League was independent within its own sphere. The central government took charge of general interests, and was composed of a federal assembly, a federal senate, a federal president, and a body of magistrates which formed a sort of federal cabinet. Each citizen was responsible alike to the government of his own city and to that of the federal union. So closely did the Achaian League approach the character of a true federal state, that

Professor Freeman even broaches the question whether it did not form a conscious model for the American Union; but he gives sufficient reasons for dismissing such a hypothesis as altogether without foundation.*

The federative tendencies which had attained such a brilliant result in the Achaian League were neutralized by the extreme localism which prevailed in other parts of Greece, and were finally overpowered and rendered impotent by the Macedonian and Roman conquests. In a different way, but with similar results, the federative tendencies which in early times prevailed in Italy, were overcome and finally destroyed by the centralizing policy of the Imperial City.

Of the three great branches of the Aryan race in early Europe—the Greeks, the Italians and the Germans—it was the Germans who possessed a federative system which promised the most favorable results. Having no established cities around which clustered the traditions of local sovereignty, and not placed under the shadow of an autocratic imperialism, they were apparently threatened by none of the influences which had destroyed federalism in Greece and Rome. Before their migration to Britain in the fifth century, the Germans had developed the mark, the hundred, and the tribe, which were concentric areas of social and political life, and which presented in outline the gradations of local independence and central authority.

When transplanted to England this federative system of the Germans appeared in a more definite form. The Anglo-Saxon township, like the German mark, the Italian *gens* and the Greek *genos*, was the primary unit of political society. Within its own sphere it was a miniature republic, governed by its own assembly or town-meeting (*tun-gemote*), electing its own chief magistrate (*tun-reeve*), and exercising exclusive authority over its own local affairs. A federation of Anglo-Saxon townships constituted the hundred. This group also possessed its own elected chief (*hundred-reeve*),

* Freeman's "Federal Government," p. 249.

with a representative assembly (*hundred-gemote*), composed of the head-man and four chosen men of each township. It exercised jurisdiction over matters which were of common interest to the several towns of which it was composed. A federation of hundreds constituted the early Anglo-Saxon tribe, kingdom, or what afterward corresponded to the shire. The shire may, in fact, be regarded as the highest form of the early Anglo-Saxon state. It possessed a general assembly (*shire-mote*) made up of all freeholders, together with a representative element, comprising, like the hundred-court, the head-man and four chosen men from each town of the shire. It originally elected its own chief magistrate, the earldorman, and its own judicial executive, the sheriff (*shire-reeve*), and exercised an authority over the general affairs of the whole shire, whether legislative, executive or judicial. Without going further into details, regarding what is well known to every student of institutional history, it may be said in general that the earliest institutions of England presented the same features of a federative system, with its graduated adjustment of local independence and central authority which seems everywhere to have prevailed in early European society.*

No more than in Greece and Italy, did the germs of federalism ever reach their full development in England. With the consolidation which attended the growth of the later Anglo-Saxon kingdom, and during the long period of centralization which followed the Norman Conquest, the different areas of local self-government gradually lost their importance as centres of independent political life. In the first place the shire or county lost its character as a self-governing community. The power of electing the sheriff was taken away from the freeholders; the earldorman was superseded by the lord-lieutenant, who was appointed by the

* Stubb's "Constitutional History of England," Cap. 5; P. V. Smith's "History of English Institutions," p. 64, et seq.; Freeman's "Comparative Politics," p. 115, et seq.; Coulanges's "Ancient City," Book 3, Cap. 1.; Hearn's "Aryan Household," Cap. 14, "The State."

Crown; and in the meantime the shire assembly acquired the character of a judicial court under the control of the king's officers. Although the county became a seat of Parliamentary elections, its chief character was that of a mere administrative district of the central government. In the next place, the hundred early lost its independent character; its assembly soon passed out of sight, and its previous judicial functions were transferred to the county court. Finally, the township itself was so transformed as to lose the distinctive and independent civil organization which it originally possessed. Its political and ecclesiastical life was, it is true, continued to a certain extent in the manor and the parish, but neither of these institutions preserved the local independence and the self-governing features of the ancient township. On the one hand, the court of the manor, while retaining the freeholders as its suitors, passed under the control of the feudal lord; and the custom of removing all causes from this court to the justices on circuit, caused its jurisdiction gradually to fall into disuse.* On the other hand, the vestry of the parish, while preserving some of the appearance of the old town-meeting, was modified by the introduction of the "select vestry," which was practically a self-elected and close corporation.† The parish, indeed, on its civil side, became scarcely more than a district for the collection of the rates and the administration of the poor laws.

The principles of local self-government, and the inchoate forms of federalism which England had anciently inherited from the Teutonic, and more remotely from the Aryan race, were practically suppressed by the methods indicated. Even the growth of representation did not neutralize this tendency toward the decay of local autonomy; and the chartered rights of the boroughs, which, for a time, promised local liberty to the municipal population, were greatly

*P. V. Smith's "English Institutions," p. 80.
†*Ibid.*, p. 95.

restricted by the encroachments of the nobility and the Crown.* By the beginning of the seventeenth century it may be said that local self-government, in the proper sense of that phrase, had disappeared from England. Even the words "local government" came to mean not local *self*-government, that is the independent government of localities by the localities themselves, but the government of localities by the central authority,—sometimes, it is true, through administrative officers elected by the districts. The distribution of real political power between larger and smaller areas, such as characterized the early Anglo-Saxon system, no longer existed. All the chief elements of local authority had been gathered up into the central government and finally into the hands of the king, so that under the Tudors and the early Stuarts the government of England was more nearly assimilated to the autocratic imperialism of Rome than to the democratic and federal institutions of early Europe.

But though the principles of the early Anglo-Saxon system formed no essential part of the English monarchy under James I. and Charles I., the spirit of Anglo-Saxon freedom still existed in the hearts of the English commonalty. It boldly reasserted itself in the Puritan Revolution, and while a part of its adherents painfully struggled for recognition in the land of its nativity, another part sought for a more peaceful refuge on the shores of the New World. The Puritan Revolution is relevant to our present discussion only as it was a reaction against the centralized monarchy of England, and as it opened a new field for the revival of those normal principles of local freedom and federative growth which had presided over the first definite organization of European society, but which had been successively overcome in Greece by disintegration and conquest, in Rome by imperialization and in Britain by the centralizing tendencies of the Crown. Moved by the spirit of political and

* *Ibid.*, pp. 88 and 89.

ecclesiastical independence the Puritan refugees sought to break away from the political system of the Old World, with its extreme tendencies to centralization in church and state. Even the small band which fled to Holland found in that land of commingled freedom and feudalism no congenial home, and became, in fact, the pioneers of the Puritan migration to the New World. The reappearance of democratic and federal institutions in the Puritan colonies of this country is a significant fact in universal as well as in American history. In the wilds of New England it would not be an exaggeration to say that European society had a new birth.

In looking at the federative system which grew up in the New England colonies, and which afterward became incorporated in the Federal Union of 1787, it is worthy of remark that it was patterned after no existing model, and that it was established by no law outside of the colonies themselves. Though the central government of the colony can be distinctly traced to the chartered forms of the trading company, yet the growth of local self-government in the constituent towns of the colony, and the adjustment of the government of these towns to the central government of the colony, were as foreign to the forms of a trading company as they were to the contemporary institutions of England and of Continental Europe. In fact, the distribution of political powers between co-ordinate governments—a system which sprang up in Plymouth, Massachusetts Bay, Connecticut and Rhode Island—had no existing counterpart in the countries of the civilized world. It can be historically explained only as the instinctive reproduction of primitive institutions under the influence of a primitive environment.

The progressive steps by which this system became established in the different colonies illustrates the different ways in which a federal organization may come into existence. If we clearly distinguish between the central government of the colony and the constituent governments of the towns,

and trace the genesis of each, we can see that the growth of a federal system does not necessarily proceed according to a uniform method. It may, for example, arise by the integration of previously existing communities into a larger political society, or it may arise by the segregation of an existing community into distinct and constituent parts. In some cases in New England, in one at least, the government of the town preceded that of the colony; in other cases the government of the colony preceded that of the town. It has often been said by those who have investigated the early institutions of New England, and reiterated by those who have not; that the town was the integral unit of New England society. If by this statement it is meant that the organization of the town necessarily preceded that of the colony, and that the colony was in all cases merely an aggregation of previously organized towns, the statement is far from being true.

In Plymouth the central government of the colony, with its governor, assistants, and general court, was developed before the outlying towns were even settled. And when the new settlements were first made, the inhabitants still remained, for a time, a homogeneous part of the Plymouth community. It was not until sixteen years after the founding of the Plymouth colony that the first towns of Scituate and Duxbury were recognized as having any distinct organization or powers.* The new communities gradually acquired, or rather assumed, independent powers over their own local affairs, which independent powers were recognized by the colonial government in 1639. The general liberties granted to the towns of Plymouth are indicated by the two laws of 1639. The first of these provided "That all the Townes hips within this government, allowed or to be allowed, shall have liberty to meete together and to make such Towne orders as shal be needfull and requisite for the hearding of cattell and doing such other things as shal be needfull for

* Plymouth Records, Vol. i, pp. 44 and 62.

the maynetenance of good neighbourhood and to set penalties upon delinquents, Provided that their orders be not repugnant nor infring any publicke act."* By the second law it was enacted "That every Towneship shal have liberty to meete together and make levyes, rates & taxes for their townes charges & to distrain such as refuse to pay the same upon warrant from the Court or Governor."† The mode in which the towns should exercise these powers was left to the towns themselves. The town meeting was, like the Anglo-Saxon *tun-gemote*, a primary assembly of all the freemen, who came gradually to depute their powers to certain chosen men, or select committees. It was not until 1665 that the board of "selectmen"—an institution which had already grown up in Massachusetts—was formally adopted in the Plymouth towns.‡ By the general process thus described there grew up in succession the central government of the colony and the separate governments of the constituent towns. Each of these governments, central and constituent, was distinct in form and functions. The central government of the colony was made up of a governor, a council of assistants, and a general court or assembly, and it exercised a general authority over the common interests of the whole community. The town government was made up of a town meeting, or primary assembly, and a body of officers selected by the freemen of the town, and it exercised an authority over the local affairs of the town. This distribution of political powers between two sets of governments, sanctioned by general organic laws passed by the whole community, gave to the Plymouth colony the essential features of a federal republic.

In Massachusetts Bay, the growth of the federative system

* *Ibid.*, Vol. xi, p. 32.

† *Ibid.*, p. 36.

‡ Although the colony of Plymouth was founded before that of Massachusetts it was in the latter colony that the local institutions were first differentiated, and became adopted by the other colonies. "The institution of towns, with their government of selectmen, had its origin in Massachusetts, and was borrowed thence by the other governments."—Palfrey's "New England," Vol. ii, p. 12.

was similar to that of Plymouth, in that the organization of the central government preceded that of the towns. But while the central government of the Plymouth colony was not established all at once, but grew up gradually, the central government of the Massachusetts colony was established immediately by the charter of the Massachusetts Bay Company—or more correctly, the government which the charter established for the company, with its governor, deputy-governor, assistants, and general court, was transferred bodily from England to Massachusetts, and became itself the central government of the colony.

But the distinct organization of the towns, with their town-meetings and selectmen, was in Massachusetts as in Plymouth the result of a gradual process of growth. After the great migration of 1630 the population of the colony was scattered among nine or more plantations or settlements. But these plantations were not at first "towns" in any political or legal sense. Their inhabitants formed a homogeneous community directly under the colonial government. When in 1631 the government of the colony was temporarily entrusted to the governor and the magistrates, the people of the plantations were obliged for the most part to shift for themselves. Each company of settlers, either by common action or through selected committees, assumed supervision over their own local affairs. They laid out their own lands, assigned them to occupants, admitted new persons to the settlements, and passed whatever orders seemed necessary to regulate their own interests. The special kinds of administrative work to be done in the town came to be entrusted to special committees. For example, the very first order on the town records of Boston is the appointment (May 7, 1634) of a committee composed of John Winthrop and nine other persons "to lay out stones and logs near the landing place."* In 1635 a committee was appointed "to set prices upon all cattle, commodities, victuals, and laborers' and workmen's

* Quincy's "History of Boston," p. 3.

wages.''* The early custom of entrusting special work to special committees, both by the colonial government and by the towns, is seen in the following excerpt from the Massachusetts Records of 1634, where it is ordered that nine persons (whose names are given) be authorized by the General Court "to set out the bounds of all towns not yet set out, or the difference between any towns, provided that the committees of these towns where the difference is, shall have no voice in that particular.''†

The custom of appointing a special committee for each occasion was gradually displaced by the election of a standing committee of "prudent men" to supervise the general affairs of the town. This committee was at first designated in a great variety of ways, for example, as "persons chosen for the occasions of the town," as "overseers of the town concerns," as the "seven men" or the "nine men" according to their number, as the "chosen men of the town," as the "townsmen," as the "townsmen select," and finally as the "selectmen." The term "selectmen" does not appear on the town records of Boston until November, 1643, and then only incidentally; and it was not until 1645 that John Winthrop and nine others were formerly chosen under the name of "selectmen."‡ It seems quite evident that this famous institution of New England was at first nothing more than a standing committee which was selected by the town people to take charge of their affairs during the intervals of the town meetings. The nature, functions and origin of this official body are fully explained in the Rev. Richard Brown's Diary in which that divine says that "they were chosen from quarter to quarter by papers [ballots] to discharge the business of the town, in taking in or refusing any to come into town, as also to dispose of lands and lots, to make lawful orders, to impose fines on the breakers of orders, as also to levy and distrain them, and were fully empowered of

* *Ibid.*, p. 4.

† Massachusetts Records, Vol. i, p. 125.

‡ Quincy's "History of Boston," p. 3.

themselves to do what the town had power to do. The reason whereof was, the town judged it inconvenient and burdensome to be all called together on every occasion."* In this way the towns of Massachusetts gradually assumed the powers and adopted the methods necessary to manage their own local affairs. The central government of the colony did not, as a rule, interfere with matters which related exclusively to the towns-people, but exercised authority only over matters of general concern. It regulated the boundaries and disputes between the towns, punished the graver crimes, imposed general taxes, determined the conditions of the franchise, provided for the military defence, and supervised the external relations of the colony.

The recognition of the distinct and independent authority of the Massachusetts towns to govern themselves within the sphere of their own interests was formally expressed in a law passed by the General Court of the colony in 1636. As this is the first law of its kind enacted in New England, and as it was copied by other colonies it has a special significance. It reads as follows: "Whereas particular townes have many things which concerne themselues and the ordering of their owne affairs and disposeing of businesses in their owne towne, it is therefore ordered that the ffreemen of every towne, or the major parte of them, shall onely [solely] have power to dispose of their lands & woods, with all the previlidges & appurtenances of said townes, to graunt lotts & make such orders as may concerne the well ordering of their own townes, not repugnant to the lawes and orders here established by the General Court; as also to lay mulks and penaltyes for the breach of their orders & to lay & distreine the same not exceeding the some of xxs; also to choose their owne particular officers, as constables, surveyors of the highways, and the like."† This law gave a definite sanction to customs already existing; and when we remember that it

* Quoted in Coffin's "History of Newbury," p. 19.
† Massachusetts Records, 1635-36, Mar. 3, Vol. i, p. 172.

was at the same General Court at which this law was passed, that the dissatisfied towns of Dorchester, Newtown, and Watertown obtained their permission to settle in Connecticut, it is evident that the law was intended quite as much to limit the powers of the central government as it was to define the powers of the town governments. In fact, it defined the sphere of local independence within which the central government could not legally interfere. Moreover, the Massachusetts law of 1636 was not a mere act of incorporation. It possessed the character of a constitutional enactment, so far as such a law was possible at the time. It was a general act, passed by the supreme authority within the colony—discounting the king. It defined the sphere of the constituent governments in their relation to the central government, and thus secured the right of local autonomy within the towns. This law was, furthermore, re-enacted in the "Body of Liberties" in 1641, which gave to it, in the qualified sense just indicated, a more definite character as a constitutional provision.*

The colony of Massachusetts thus acquired the character of a federal republic, with the distribution of powers between the central government of the whole colony and the governments of the constituent communities which is essential to it. Each government, whether central or constituent, had not only its own sphere of customary authority, but its own distinct form of organization. The town was, in short, a body-politic, having a qualified independence, and exercising its authority through an assembly of its own freemen and

*The "Body of Liberties," which was compiled by Mr. Nathaniel Ward from the existing laws in force in the colony, was approved by the General Court, December 10, 1641. The provision relating to towns appeared in the following form: "The Freemen of every Township shall have power to make such by laws and constitutions as may concerne the wellfare of their Towne, provided they be not of a Criminall, but only of a prudentiall nature, And that their penalties exceede not 20 sh for one offence, And that they be not repugnant to the publique laws and orders of the Countrie. And if any Inhabitant shall neglect or refuse to observe them, they shall have power to levy the appointed penalties by distresse."—"The Colonial Laws of Massachusetts, reprinted from the edition of 1660," etc., Ed. by Wm. H. Whitmore, Boston, 1889, p. 47.

through officers of its own choice. The central or federal government of the colony was based partly upon the people and partly upon the towns as integral elements of the colony. The governor, deputy-governor and assistants, which soon constituted the "upper house" were chosen by a general election of the whole body of freemen, while the deputies, who soon constituted the "lower house," were chosen by an equal representation from the several towns.

This political system was not, technically speaking, a mere system of federated governments. On the contrary, each citizen was responsible to the central government of the colony, as well as the government of his own town. The principle of duality applied not only to the distribution of political powers, but also to the exercise of rights and duties on the part of the citizen. The entire body-politic was thus organized on a true federal basis. This form of federalism in Massachusetts continued substantially throughout the whole colonial period, and it is perhaps worthy of remark that no provisions were made in the first constitution of the State abridging the rights of local self-government already possessed by the towns.

The growth of the federative system in Connecticut was closely akin to that in Massachusetts. The year in which the people of Dorchester, Newtown and Watertown emigrated to the Connecticut River was the year in which the General Court of Massachusetts had recognized the liberties of all the towns of that colony. In planting their new settlements, the people of Connecticut continued to be jealous of the principle of local independence. In connection with the study of the political system of this colony, the question has arisen whether the towns were definitely organized before the central government of the colony was established,* or whether the central government was organized before that of the towns.† This question, however, is not very relevant

* For this view, see Johnston's "Connecticut," pp. 61 and 62.

† This view is plausibly defended by Charles M. Andrews in the "Beginnings of the Connecticut Towns," ANNALS, Vol. i, p. 165, Oct., 1890.

to our discussion, if, as we have shown, a federal system can come into existence as the result either of aggregation or of segregation. The fact seems to be that some form of town organization in Winsor, Hartford and Wethersfield, and some form of common government over these towns co-existed from their first settlement on the Connecticut River. The inhabitants of these towns had already formed a considerable portion of the previous towns of Dorchester, Newtown and Watertown, in Massachusetts, where they had insisted upon their rights of self-government; and in the absence of records to the contrary, we may reasonably suppose that they continued from 1636 to 1639 to act in their new settlements, as they had claimed the right to do in their previous homes. Moreover, the records of the General Court of the colony of Connecticut, which begin with the year 1636, contain no statement indicating that the central government—which was at first authorized by a commission from Massachusetts, but which was in a year entirely assumed by the Connecticut people—interfered at all with the local affairs of the towns. For example, the colonial government laid out the boundaries between the towns, but did not distribute the lands within the towns.* And in the Pequod war the requisitions were laid upon the towns as separate political entities, and not upon the individual inhabitants.†

By the Constitution of 1639 the central government of Connecticut became definitely organized, being modeled in general on the Massachusetts system. The governor and magistrates were chosen at a general election by the whole body of freemen, and the deputies were elected by equal representation from the several towns. The preamble of the Connecticut Constitution of 1639 declares "that we the Inhabitants of Winsor, Harteford and Wethersfield . . . doe assotiate and conjoyne our selues to be one Public State

* Connecticut Records, Vol. i, pp. 7 and 8.
† *Ibid.*, p. 9, et seq.

or Commonwealth; and doe for our selues and our successors and such as shall be adjoyned to vs att any tyme hereafter, enter into Combination and Confederation together to mayntayne and presearue the liberty and purity of the gospell . . . as also in our Ciuill affairs to be guided and gouerned according to such Lawes, Rules, Orders and decrees as shall be made, ordered & decreed as followeth," that is, in the manner prescribed in the subsequent articles.* In October, 1639, the General Court made a formal recognition of the liberties of the towns which they had evidently possessed from the first. This law reads as follows: "The Townes of Hartford, Winsore and Wethersfield, or any other of the Townes within this jurisdiction, shall each of them haue power to dispose of their owne lands undisposed of, and all other commodityes arising out of their owne lymitts bounded out by the Court, the libertyes of the great River excepted, as also to choose their owne officers, and make such orders as may be for the well ordering of their owne Townes, being not repugnant to any law here established.† Scarcely any reference is made in the records of the colony to the organization of the towns themselves. Not until 1650 is there any mention made of the "townsmen" as such,‡ and it was not until the revision of the laws in 1660 that the term "selectmen" was employed as a synonym for "townsmen." The extent to which the towns continued to be secured in their local independence is evident from the revised laws of 1672, which still provided that the inhabitants of every town should have power to make such orders, laws, rules and constitutions as concerned their own welfare.§

*For the text of the Constitution, see Connecticut Records, Vol. i, p, 20, and also Trumbull's "History of Connecticut," Vol. i, Appendix, p. 3.

†Connecticut Records, Vol. i, p. 36.

‡*Ibid.*, p. 214.

§The revised laws of 1662 contain the following enactment: "*Be it enacted by the Governour and Council and House of Representatives in General Court assembled,* That the settled and approved inhabitants of every town in this State, qualified and having estate as is hereafter in this act provided, shall have power to make such orders, rules and constitutions as may concern the welfare of their towns."—Statutes of Connecticut, Ed. 1808, p. 649.

From these facts it is evident that in the colony of Connecticut there was a real distribution of political powers between the central government of the colony and the governments of the constituent communities, similar to that which had grown up in Massachusetts. By the later incorporation of New Haven with Connecticut this composite system, with all its federal features, became extended over the combined communities. The royal charter of 1662 recognized the existing organization of the central government, confirming the right of the freemen at large to choose their governor, deputy-governor and assistants by general election; also the right of equal representation to the several towns in their choice of the deputies to the General Court; and, moreover, it did not in any way detract from the rights of local freedom already possessed by the towns.*

In Rhode Island the process of federation was somewhat different from that pursued in the other colonies of New England. The colony of "Rhode Island and Providence Plantations" was in its completed form the result of an integration of the towns of Providence, Portsmouth, Newport and Warwick. Each of these towns, except Warwick, had been for some time previous to the union organized under its own independent government. The earliest official body in Providence was a committee of five men, called the "disposers," while in Portsmouth and Newport it was composed of a "judge" and three "elders;" in each case these officers were chosen directly by the people. There was no common authority of any sort exercised over these towns previous to 1640. In that year the two towns of Portsmouth and Newport, while retaining their local independence, first united in a common government, in which a governor and two assistants were chosen from one town, and a deputy-governor and two assistants were chosen from the other town.† The records show that this common

* Cf. Poore's "Charters and Constitutions," Vol. i, p. 253.
† Rhode Island Records, Vol. i, p. 100.

government did not interfere with the local affairs of either town, but took charge of those matters only which were of common interest.

The next step in the federation of the Rhode Island colony took place in 1647, when the common government was enlarged and modified so as to include Providence and Warwick. The three towns of Providence, Portsmouth and Newport had already received from Parliament in 1643 a "Free Charter of Incorporation and Government," that "they may order and govern their Plantations in such a Manner as to maintain Justice and peace, both among themselves and towards all men with whom they shall have to do . . . . Together with full Power and Authority to rule themselves, and such others as shall hereafter inhabit within any Part of Said Tract of land, by such a Form of Civil Government as by voluntary consent of all, or the greater Part of them, they shall find most suitable to their Estate and Condition."* The extent to which the spirit of local independence existed in Rhode Island is seen in the instructions which Providence issued to its committee which met with the committees of the other towns to organize the new government. "We desire," said the people of Providence, "to have full power and authority to transact all our home affairs, to try all manner of causes or cases, and to execute all manner of executions, entirely within ourselves, excepting such cases and executions as the colony will be pleased to reserve to general trials and executions. We desire to have full power and authority to choose, ordain, authorize, and confirm, all our particular town officers, and also, that the said officers shall be responsible unto our particular town, and there may be no intermixture of general and particular officers, but that all may know their bounds and limits."† In May, 1647, at a general assembly of all the freemen of the colony, the new central government which

* For this charter, see Rhode Island Records Vol. i, p. 145.
† *Ibid.*, p. 43.

was to exercise a supervision over the common interests of the four towns was constituted. The common government consisted of a "President;" four "Assistants," one from each town; a "General Court," made up of "committees" of six men, elected by each town; and a "General Court of Elections;" at which all freemen, either in person or by proxy, voted for the general officers of the colony. Each town retained its own local authority, and was governed by a committee of six men, otherwise called the "council of the town," chosen at the town-meeting.*

Of all the towns of Rhode Island, Providence seems to have been the most jealous of its local autonomy. To obtain an unquestionable guarantee against any possible encroachment by the central government, Providence, in 1649, petitioned the General Court of the colony for an act of incorporation. Taking as a model the charter of 1643, which the colony itself had obtained from Parliament, the colonial assembly granted to Providence a similar charter, couched in similar terms, granting to the inhabitants of that town the full authority to govern themselves in all local matters. This charter is significant as being the first charter of incorporation, in the proper and legal sense, granted by any American colony to one of its constituent towns. It also indicates a very clear discrimination between local and central authorities. By it the general assembly granted and confirmed to "the free inhabitants of the towne of Providence a free and absolute charter of civill incorporation and government . . . together with full power and authoritie to governe themselves, and such others as shall hereafter inhabit within any part of the said Plantation, by such a form of civill government, as by voluntarie consent of all or the greater part of them, shall be found suitable unto their estate and condition . . . always reserving to the aforesaid Generall Assemblie power and authoritie so to dispose the

* For the proceedings of this Constituent Assembly, see Rhode Island Records, Vol. i, pp. 147–155.

generall governmente of that plantation as it stands in reference to the rest of the plantations, as they shall conceive from time to time, most conducing to the general good of the said plantations.''* Although no similar act of incorporation was granted to the other towns, it is evident from a perusal of the records that the rights guaranteed to Providence were recognized as belonging to them also; since no orders seem to have been enacted by the colonial government which interfered with the purely local interests of the several towns.

The royal charter granted to ''Rhode Island and Providence Plantations'' in 1663 was drawn by the same hand that drew the Connecticut charter of 1662, and the form of the central government of Rhode Island became assimilated to that of Connecticut, with its governor, deputy-governor, assistants and deputies. The phraseology of the Rhode Island charter of 1663 is almost identical with the Connecticut charter of 1662 in those parts which relate to the constitution of the colonial government. The number of assistants, however, which was authorized in Connecticut was twelve, while in Rhode Island it was ten. Also, in Connecticut the number of deputies was restricted to two from each town, while in Rhode Island six deputies were allowed to Newport and four to each of the other towns.† As in Connecticut, so in Rhode Island, there were no provisions which restricted the liberties already possessed by the towns. In each case there was the same distribution of general and special powers between the central government of the colony and the governments of the constituent communities.

These facts, it is believed, are sufficient to show that the political organization of the New England Colonies rested upon a true federal basis. The separation of powers between central and constituent governments was an essential and

* For a copy of this charter, see Rhode Island Records, Vol. i, p. 214.

† For the Rhode Island charter of 1663, see Rhode Island Records, Vol. ii, p. 3; also, ''Charters and Constitutions,'' Vol. ii, p. 1595.

organic feature in the structure of every colony. The New England town, as it was organized during the colonial period, did not possess the character of a mere municipality with certain specified powers defined in an act of incorporation. With the exception of Providence no New England town received a charter of incorporation in the proper sense, and even the charter granted to Providence was really a charter of liberties, guaranteeing rights of self-government which had existed from the first. In the eyes of the colonists the authority of the town government within its own sphere was as essential to the organic structure of the colony as was the authority of the colonial government within its own sphere. A qualified local independence and a qualified central authority were everywhere interwoven as warp and woof into the political fabric. We thus see in the development of New England society during the seventeenth and eighteenth centuries a practical reproduction of those normal principles of federal growth which had presided over the earliest organization of European society, and which were now destined to survive and finally to work out political results in the New World which they were never permitted to attain in the Old.

It has been the purpose of this paper merely to show the beginnings of the federal system on American soil, and to suggest the historical principles upon which its origin must be explained. It would be instructive to contrast the relatively complete character of the federative system of New England with the relatively limited extent to which this system was developed in the other colonies. It would also be interesting to show how, in the establishment of the Federal Union of 1787, it was the New England system, represented chiefly by the statesmen of Connecticut and their supporters, which furnished the most decisive elements, not so much, perhaps, in the framing of the branches of the central government as in bringing about that adjustment between the Union as a whole, and the States as integral factors of that

Union which rendered the true federation of the American States possible. But these subjects lie beyond the limits of the present discussion. They suggest, however, the great importance of the federative system of New England, as presenting to us a sort of connecting link between the oldest and newest phases of political organization, between the institutional system of our Aryan ancestors and that synthesis of localism and centralism which seems to many to be the highest product of modern political evolution—the federal state.

WILLIAM C. MOREY.

University of Rochester.

THE AMENDMENTS TO THE ITALIAN CONSTITUTION.

Lieber divides constitutions into cumulative and enacted. The sole type of the former is to him the English Constitution, which has never had a fundamental charter as in all other modern constitutional states. Of the latter there are numerous and varied types which have common features in the manner in which the constitution is formed as the work of a few or of many who edit it and embody it in articles, attempting to interpret the new needs of a people.

Cumulative constitutions must be based upon the principle of parliamentary omnipotence. Enacted constitutions, unless they are intended to change into cumulative ones, must distinguish a constituent function of the legislative, prescribing special rules for the modification of the charter, and giving to the judiciary the judgment on the constitutionality of laws, thus arriving at the institution of a special court like the Supreme Court of the United States.

The Italian Constitution which was enacted at its origin has become cumulative in its development. It does not distinguish a constituent function in the legislative, nor does it give to the judiciary the interpretation of the constitutionality of the laws. Parliament has therefore never directly declared any intention to modify a single article of the constitution, but it has indirectly modified and interpreted several of them.

He who would seek to form an idea of the Italian Constitution from the eighty-four articles of the statute would obtain an incomplete and erroneous one. For a proper understanding one must follow instead all the changes which have been wrought by law, usage and neglect.

2. Not only at the first promulgation of the statute was it

thought in Piedmont that it was capable of modification by the ordinary legislative power; but many, influenced by French ideas, spoke freely of the constituent assembly.

In the throne address read by the royal representative, Prince Eugene of Savoy-Carignano, at the opening of the first Sub-Alpine Parliament on the eighth of May, 1848, it was said: "If the desired union with the other parts of the peninsula should be consummated, we shall promote such changes in the law as promise to aggrandize our destinies and to add to it that degree of power necessary for the good of Italy, should Providence lead us to that point."

At that time, the Senate replied as follows: "If to establish this unity of political powers, the king should ever find it necessary to effect the changes announced, though they have not been clearly defined to the Senate, the latter declares now that it has always had in view in its constitution the power of the Crown and the liberty of the people, but never the personal prerogatives conferred upon its members by the statute, which all are willing to return to the hands of the king, from whom for the sole purpose and with the sole desire of promoting the good of the State and of all Italy they have been received." The Chamber of Deputies, on the motion of Rattazzi, replied: "To-day when our votes are to accomplish the fusion with sister provinces, the Chamber views with pleasure, the day approach, when from universal suffrage there shall be evoked a constituent assembly which will form a statute upon the most liberal and popular basis, a statute which shall render strong, vigorous and glorious the monarchy which has for its aim the invulnerable principle of Italian independence."

In that period the Duchy of Piacenza adhered to Piedmont unconditionally, the Duchies of Parma and Guastalla with the condition among others, that the constitutions of new kingdoms should be reformed upon a broader basis. The Duchies of Modena and Reggio voted that the constitution should be as broad as possible. Lombardy attached

various conditions, among them that of a constituent assembly convoked by all the States upon the basis of universal suffrage which should discuss and establish the basis and form of a new constitutional monarchy under the dynasty of Savoy.

The proposed law presented to Parliament by the Sub-Alpine Government for the union of these provinces provided in Article 8, "The electoral law for the constituent assembly shall be promulgated within one month of the acceptance of the fusion. Contemporaneously with the promulgation of the law itself, there shall be convoked a common constituent assembly which shall meet in as brief a period as possible." Article 9 established the basis for the electoral law for the constituent assembly. The ministry presented on the twenty-first of June the following additional provisions to the bill: "The constituent assembly has no other power, than to discuss the basis and the form of the monarchy. Any other legislative or administrative action of the same is void and without legal effect. The seat of the executive power cannot be changed except by act of Parliament."

It was feared at Turin that an attempt would be made to transfer the capital to Milan, a fear which colored the entire discussion of the project presented. The latter was in two parts, the first decreed the fusion and sanctioned in principle the convocation of the constituent assembly upon which it placed the limitations already mentioned, the second prescribed the rules for the election of the assembly. Both parts, after various events which it is useless to refer to here were adopted by the chamber, only to remain a dead letter through the unfortunate issue of the war of independence.

3. The address in reply to the throne speech at the opening of the second Sub-Alpine Parliament, adopted by the Chamber of Deputies on the second of March, 1849, says: "You who are surrounded by the elected representatives of the people and preserving the cares and honors by merit alone and we devoting our chief care to the regulation of

the finances, the municipalities, the national militia, the public instruction and the other civil institutions, give to the democratic principle the broadest extension which in a state of war is admissible. But only the constituent assembly of the realm could place our institutions in perfect harmony with the genius and with the needs of the century." In vain the deputy Degiorgi proposed that they should declare themselves competent to introduce into the statute those reforms the necessity of which was most generally felt. In vain Cesare Balbo, the eminent historian, and at one time president of the ministry, said that the omnipotence of Parliament was sufficient for all progress; the majority of the chamber was at that period of a contrary opinion.

4. Then occurred the defeat of Novara and the necessity for the Sardinian state of a period of recuperation. Public opinion abandoned all idea of a constituent assembly, and rallied to the opposite and conservative idea of the immutability of the constitution. They were led to this by the fear that the statute of Charles Albert might, like all the Italian constitutions of that period, come to naught.

On the same day on which the constitution had been published Cavour wrote in the *Risorgimento*: "The irrevocable promise which is embodied in the preamble of the statute is applicable literally only to the new and grand principles proclaimed in the same and to the grand fact of a compact destined to link together indissolubly the people and the king. But this does not mean that the particular conditions of the compact are not susceptible of progressive improvement, effected by the assent of the contracting parties. With the accord of the nation, the king may in the future introduce into the statute all the changes which may be dictated by experience and the needs of the future. But if such a power resides in the Parliament, declared omnipotent by us, the king no longer possesses it alone. A minister who would advise him to make use of it without consulting the nation would violate the constitutional principles and would incur the

gravest responsibility. Despite this as the Parliament remained silent, the constitution was surrounded by a species of fetichism which considered it "a sacred ark of covenant."

We have now reached a period when the Parliament was to be considered commendable in preserving acquired rights, when it is perfectly logical to maintain that the desire for something better would have destroyed the liberties, which though often limited, still shone from the Alps like a beacon to which gathered in time the other provinces of Italy. It is certain, that the convocation, in that perilous epoch, of a constituent assembly based upon universal suffrage would have added new fuel to the fire. Restricted by prudence, address and good-will, the conflagration could be mastered, but had the voracious flames been increased or allowed to gain ground, the statute would have perished.

5. After 1860 the modification of the constitution was again mentioned.

In discussing the law for the establishment of the Court of Accounts, which the Senate had returned to the Chamber modified by a proposal to appoint the members by royal decree upon the nomination of the ministry with the advice of the presiding officers of the two chambers, it was said that this infringed on Article 5 of the constitution, by which the king appointed all the officials of the state. In the session of July 26, 1862, Crispi maintained the competence of Parliament to reform the statute. Sella, Minister of Finance, instead said, "We consider it in truth our duty to hold the statute as a sacred ark, and never to abrogate it."

In the session of June 7, 1866, of the same Chamber, in discussing the bill for the suppression of religious corporations, D'Ondes-Reggio, in a long historical discussion and an exposition of comparative public law, maintained the necessity of a constituent power, since the bill infringed Article 1 of the statute, which could not be modified by the ordinary legislative power. Pisanelli replied to him that instead of being the ægis of a constitution, the power of a constituent

assembly is inimical to all the powers of the state, and made in proof an admirable contrast between France and England. The French Revolution had revised everything, and when the re-establishment was contemplated the public powers were constituted with the intention that they should limit and combat each other and be in relations of mutual distrust. The English doctrine is not based on antagonism and struggle, but upon the harmony and co-operation of all the powers.

This opinion of Pisanelli gradually begins to become more and more that of the Chamber of Deputies, just as science in Italy is to-day unanimous in holding that Parliament has the privilege of modifying the statute and that this system is preferable to the French method. The writer also believes that the contrast should be made with France rather than with the United States. Beneath its equilibrium of powers, that country has a large basis of institutional government derived from its English mother country, which protects it against any injuries which might come to it from the federal power, without its being in any way essential to maintain that the American Constitution, although enacted, represents exactly the result of a long social experience, or that the State constitutions adapted to the social conditions of the individual States constitute an efficient legal limitation of it.

In the Italian Parliament there have been manifestations of opinion contrary to the theory above expressed. They are not all equally authoritative and in explaining them it is necessary to bear in mind the occasions which gave rise to them. On the first of April, 1870, the deputy Salvatore Morelli debated a bill for the suppression of political oaths which he had himself introduced. The Prime Minister Lanza cited in opposition, its incompatibility with Article 49 of the constitution, and said among other things: "Whatever may be the opinion of each one of us on the privileges accorded to Parliament to discuss the statute, there can be no doubt that all the people, who have here the broadest elective representation admit that the fundamental statute by virtue of which

this representation exists, cannot be placed in question, except in extreme cases and through the medium of a constituent assembly." In this case the attack upon an important statutory provision, justified the response, borrowed by the way from the old Piedmontese ideas, which before many years had elapsed passed out of memory. On the eighth of June, 1870, in discussing some appropriations, the deputy Sonzogno digressed from his subject to demand a constituent assembly based on universal suffrage and to propose that it be placed on the calendar. But the Chamber which by its uproar and continual interruptions, had indicated its contrary opinion passed to the order of the day.

6. A little later Italy acquired the capital which geographically, socially and politically completed it. To regulate the position of the Pope in Rome the law became necessary which is known by the name of the pontifical guarantee.*

This law which created a personal sovereignty novel in the history of political science was without doubt of a constituent nature, and hence Bonghi, who reported the bill to the Chamber of Deputies wrote in his report: "That a constituent power is perpetually active in the powers of the state, is better doctrine than that which claims that it must be called out every time with new force from the body of the people. The English doctrine and the practice based upon it of the implicit abrogation by means of laws which alter and change the constitutional conditions of the exercise of a right and its definition, is of greater utility than an explicit abrogation. Thus the constitution of a country becomes in fact the complex of its laws and becomes synonymous with the whole life of the people." In the debate on the law in the Chamber, on the second of January, 1871, Minghetti said, "the Chamber is aware that I have never shown an absolute repugnance to the idea of a modification of the statute. I believe for my part that when the three powers of the state

* Translated in the note to Article 1 in the translation of the Italian Constitution, published by the Academy, p. 25.

are in accord, this reform, like every other, may be accomplished." The law was, moreover, voted under the auspices of the Lanza ministry which had expressed the opinion already noted in regard to the constituent assembly, incompatible with the facts embodied in the law of the pontifical guarantee.

This conception was authoritatively repeated in the Chamber in the discussion of the electoral law of 1882, which greatly enlarged the suffrage. In the session of July 23, 1881, Crispi said, "I do not admit the intangibility of the statute. Statutes are made to prevent governments from retrograding, not from advancing. Before us there can be nothing but progress. Intangible statutes cannot exist for many other reasons. If we retain immutable the fundamental law of the state, we desire immobility, and should throw aside all advances which have thus far been made by the constituted authorities. I understand that in the statute of Charles Albert nothing is said of revision, and this was prudent. But how should this silence be interpreted? It should be interpreted in the sense that it is not necessary according to the Italian Constitution that a constituent assembly should be expressly convoked, but that Parliament in its usual manner of operation is always constituent and constituted. Whenever public opinion has matured a reform, it is the duty of Parliament to accept it, even though the reform may bring with it the modification of an article of the statute." And Pisanelli, the Minister of the Interior, said in the same session, "The principle which, at the same time, is liberal and conservative, has become accepted among us that the constitution may be modified by the three constituted powers, without implicitly proclaiming the necessity of a constituent assembly by which with a strange contradiction we would desire to affirm the perfectibility of the legislative, and at the same time the immobility of the constitution. In countries where the constitutions do not prescribe a special method of revision, the British principle of the

omnipotence of Parliament is generally accepted, and it is inevitable that it should be so. This has occurred in states in which the constitution does not definitely prescribe a special method of revision, and it has occurred with us, when there have been innumerable modifications of the statute, so that we may say that such an interpretation is confirmed by the facts."

7. This scientific and parliamentary opinion to which I personally assent has not been associated with certain scientific manifestations in favor of the referendum, although such association would have been appropriate since laws of a constituent nature are those which give form and substance to the idea of popular sovereignty. The above mentioned tendency in Italy with respect to the constituent function, and the scanty following for the proposition of a referendum indicate that the direct participation in legislation is a fact far removed from Italian institutions, nor should this be surprising to Americans who have a direct participation not only in constitutional legislation, but also in ordinary law-making and in local option. Different institutions will arise with different social conditions. Italy, a young kingdom, yet inexperienced to freedom in all its lofty applications, progresses with its future assured, but has the misfortune to have been, a few years ago, infested by a blind and corrupt royal despotism, the traces of which cannot be readily eliminated. Of the North Americans it may be said that they do not know what despotism is, and no one marvels that liberty should attain among them the highest manifestations which are possible in the civil world. Italy has not yet eliminated from some, at least, of its institutions, such as the administration and the police, the despotic methods which tradition has bequeathed. Institutional self-government in America, which has traditions older than its adopted constitution, is far removed from our political and social conditions, and judgments must, of necessity, differ in the examination of constitutional usages.

The social and political conditions of Italy explain moreover the usage which has been emphasized of modifying the constitution by indirect methods, never directly attacking an article of the statute to abrogate it, modify it, or substitute another for it. The statute is, however, considered as something to be respected, something to be preserved, and hence there is some dread of touching it. On the other hand, as has been said, it cannot remain unchanged in all its particulars as it does not completely meet the needs of the country.

8. The Italian statute consists of three parts. One determines in general the principal rights and liberties referring, however, in the greater number of cases to particular laws. Another establishes certain definite rules or standards which do not require to be complemented, but are susceptible simply of modification, of addition or derogation.

A third part, which is the most delicate, sanctions a principle which in a representative government must be frequently applied to diverse cases, but of which one does not find, and cannot find, the various methods of application in written law.

From this division arise different consequences. Article 24 established the civil and political equality of citizens, referring to the laws for its application. Article 25 says that the citizens shall contribute indirectly in proportion to their possessions to the charges of the state. But it is the law which, in fixing the nature of the proportion gives a varied importance to the statutory provision, since it does not oppose the adoption of the progressive tax which by the way is improperly so-called, since it is an additional tax with a progressive character which the Giolitti ministry wished to propose. Articles 26, 27, 28, 29 and 32 refer to laws, yet if the limitation, the repression of abuses, the determination of the exercise of rights which the free man enjoys in all nations* make up the substance and constitute the essence

* That is the rights of assembly, of association, of the press, liberty of worship, the inviolability of the domicile, etc.

itself of liberty, it is not the statute but the laws, which secure political and civil equality, which guarantee more or less extensively according to the case, the various manifestations of individual liberty.

Articles 39, 40, 74, 75 and 76, relating to the electorate and eligibility, the communal and provincial institutions, the military levies, and the communal militia refer to laws, whence have issued an enormous mass of legislative precepts which Parliament has successively established, solely because the statute has called upon it to regulate so many different matters.*

But all this relating to laws of a constituent nature does not concern the modifications made in the statute which are to be referred to the second and third parts in the division which we have made of the constitution.

9. Article 1, which has given rise to so much controversy, belongs to the second category. Note that it is here said that the Catholic, Apostolic Roman religion is the sole religion of the state; other existing beliefs being tolerated in conformity with the laws. The words are open enough to leave no room for doubt; none the less the opinions respecting it have been changed through the disagreement between the State and the Church, by means of laws which the State has deemed necessary to enact in relation to certain principles of liberty, or simply by social convenience and also by political interest.

In the discussion alluded to for the establishment of the Court of Accounts, Crispi, to give additional value to his

* With respect to Article 76 it should be observed that many say that it has been violated, because the communal militia, which, according to French ideas, was embodied in the edict of March 4, 1848, which provides for this institution, does not correspond to the existing territorial militia which was established by the law of June 30, 1876. The communal militia of the State is a constitutional guaranty in the sense that it opposes to the armed force of the government an armed force of the citizens in the communes. The territorial militia is always an armed force of the government. The national guard was not, however, dispersed by the law of 1876; long before it had fallen into neglect, unable to resist a more homicidal weapon against men and institutions—ridicule. The law therefore only ordered a communal militia upon a different basis, after the citizens had in fact slighted the statutory guaranty in the form in which it had been given to them in the royal edict.

thesis, cited Article 1, saying that in the future it must be considered abrogated. The minister, Sella, replied that he did not believe the statute abrogated in anything, not even in Article 1. "It is the Clericals," he said, "who so often speak of that article as having been violated, but I am not able to believe that Crispi would make such a point." With an opportune interruption, Crispi signified to the minister that he was glad of an abrogation, but had not made a point of it.

Many times in the Chamber, particularly on the occasion of petitions which demanded the explicit repeal of Article 1, to which the Chamber has not wished to agree, this article has been discussed, and even a summary enumeration of what was said would occupy a large space. According to Chiaves, Minister of the Interior, in the session of March 24, 1866, Article 1 does not touch the liberty of conscience; that article merely saying that what the state may and will do should be done according to Catholic rites,—an admirable interpretation which is derived from the second part of the article, from the toleration of other cults. If Chiaves is scientifically correct that nothing in Article 1 interferes with the liberty of conscience, as that which belongs to the inner man can be neither guaranteed nor repressed since it is not given to penetrate into the thoughts of mankind, everything in Article 1 interferes with the liberty of worship, the constitutional guaranty of which is not sanctioned in the statute and which only later laws have recognized.

Lanza, president of the Council of Ministers, repeated the same idea in the session of March 8, 1872, if there should be any religious function at the occurrence of some national celebration it should be according to the ceremonies of the Catholic cult which is the general worship of the State.

This interpretation which minimizes the provisions of the article and is invented to evade the question, is not followed by science. In the acts of same parliament is to be found a document which accords with the opinion adopted by some

men of science, but which is not the more reasonable on that account. In a report of January 17, 1866, by the ministers, Scialoja and Borgatti, on the bill for the liquidation of the religious foundations it is said: "The Catholic religion is called that of the state in this article to indicate that it is professed by the great majority of Italian citizens. Any other interpretation is contrary to all reason, inasmuch as it does not belong to the lay power to impose beliefs and religious cults; and if this declaration was made with the intention of conferring special civil and political rights to those who profess a special religion, it would violate the law of equality apportioning all civil and political rights to all men without distinction, as citizens and not as professing a given religion."

But admitting the confusion between the people and the state which the article would create according to their interpretation, what these writers forget is that to be professed by a majority of the citizens does not lead to the conclusion that the Catholic religion should be *the sole* religion of the state. Conceding that the article does not involve special, civil and political rights to the Catholics, the sole logical interpretation, by the spirit and the letter, and by the legislation of the Sardinian States at the time the statute was promulgated is this: The statute denies the liberty of worship, tolerates within limits the existing cults, restricts the action of the state, prescribing that it shall not originate sovereign acts in opposition to the canonical laws of the Roman apostolic Catholic religion, to which it concedes a privileged position. The same statute in fact limits the liberty of the press, requiring the permission and recognizing the prohibition of the bishops for bibles, catechisms, liturgical books and books of prayers, which amounts to instituting a censorship in favor of the Catholic religion. The press edict of March 26, 1849, punishes offences against the religion of the state differently and more severely than those against permitted cults, conformably to the penal code which distinguishes

also infractions of the penal laws with reference to different cults.

To the ideas of the ministers, Scialoja and Borgatti, it might be further objected that the article is repugnant to the thought of modern times, but not to that of those in which it was promulgated. By a royal patent of February 17, 1848, Charles Albert had permitted the Waldensians to enjoy all the civil and political rights of other subjects, to frequent the schools in and outside of the universities, to obtain the highest academic degrees, but *for this reason to make no innovations in the exercise of their worship* and in the schools directed by them. The relation of this decree with the Articles 1 and 24 of the statute which soon followed it cannot be more manifest. The Waldensians did not, like the Israelites, enjoy the civil and political rights accorded to the Catholics. Some were conceded to them in the patent cited but their religion remained only tolerated. Others were granted in the decree of March 26, 1848, but *nothing which made an innovation in their worship* or the schools directed by them. But not enough! The law of June 19, 1848, "wishing to remove any doubt as to the civil and political capacity of citizens who did not profess the Catholic religion," declares that, "difference of worship does not form an exception to the enjoyment of civil and political rights, and to eligibility to all civil and military positions." This was the first indirect reform of Article 1 of the statute.

To corroborate this which is the only rational interpretation of the article, it is sufficient to remember, that the churches and other places belonging to the Catholic institutions enjoyed immunity in the Sardinian state, that ecclesiastics enjoyed judicial privileges having special courts for civil and criminal processes—an immunity and privileges which the law of April 9, 1850, abolished, Parliament continuing to pursue a path which should distinguish the Church more and more from the State, and modify Article 1 as it came from the minds of the editors of the statute.

10. After this it will suffice to indicate the principal laws which are in opposition to Article 1.

The law of May 29, 1855, suppressed the religious orders which did not apply themselves to preaching, education or the care of the sick, the chapters of colleges with exception of those having the cure of souls or those existing in cities with a population of 20,000 inhabitants, and the simple benefices to which were attached no religious services and which were solely of advantage to the incumbent. It referred to the ordinary tribunals the ascertainment whether a benefice was comprised in the categories mentioned, and instituted the ecclesiastical treasury. Upon this law were modeled the decrees of December 11, 1860, for Umbria; January 3, 1861, for le Marche, and February 17, 1861, for Naples.

The law of August 10, 1862, ordered the valuation of the rural properties of the Church in Sicily, and by another law of the twenty-first of the same month and year, the properties which had devolved on the ecclesiastical treasury passed into the domain of the state, which paid them in so much rents to be inscribed in the name of the treasury.

But that which most directly opposes the provisions of Article 1, is civil marriage, sanctioned by the civil code, which does not demand nor recognize religious matrimony, and permits any person however related ecclesiastically to contract civil matrimony.

The bill for a divorce has not been taken up, though it has been repeatedly presented to the Chamber of Deputies, by way of parliamentary initiative by Villa, who, though he has been Minister of Justice, is no more able to overcome the resistance of public opinion, which is in a large measure Catholic, than that of Parliament. He has not been able in leading the small number of different religion or atheists to make headway against the enormous majority.

Another proposition which caused much excitement in the last parliamentary session would also imply a modification

of Article 1, namely, the obligatory precedence of civil matrimony over the religious, which is reputed to be a great conquest for liberty, but which would not in truth be so. Church and State pursue their respective ways freely and independently, the latter not recognizing the marriage tie contracted according to the rules of the confession to which the persons belong, has done all in its power; any other step would limit the liberty of the Church and the individual in a reprehensible manner. This project, so far from being a step in the direction of liberty as divorce would be, is a step which accentuates the conflict between Church and State which by the acquisition of Rome by Italy has assumed an acute phase, and it is on incontestable principles that laws of conflict of resistance and also of defence are illiberal laws.*

The civil code was followed by the laws of suppression of July 7, 1866, and August 15, 1867. By the first the corporations, the congregations, the conservatories which established life in common and which had an ecclesiastical character, were abolished as legal persons; the ecclesiastical property was converted into public rents, the appropriations for religious purposes were substituted for the ecclesiastical treasury. By the second the suppression was extended to religious foundations with a reversion of the same to the public domain or to the founders or to their patrons, including all the corporations for purposes of worship except the

* It is worth while to recall the comparative legislation. In Germany the dispositions in question are derived from a condition of conflict with the Catholic Church, though it is true that marriages in extremes not permitted by the Protestant religion are not excluded from punishment. In France the dispositions are derived from a concordat, *i. e.*, from the reciprocal assent of the State and the Church. In Belgium when the French penal legislation had been in full vigor, its abolition did not give good results, and it was re-established as concerns these parts. With Portugal and some of the cantons of Switzerland it would hardly be profitable to concern ourselves.

Certainly the state has the right to prevent abuses when they are grave and numerous, justifying this restriction of liberty by the political and social necessity, but in Italy there is no such necessity. The great majority of the clergy do not admit to ecclesiastical marriage unless the civil marriage has been consummated, except in cases which are worthy of a certain consideration. When it is not indispensable there exists no reason for the intervention of the state.

Episcopal Sees, the Chapters, the cathedral and metropolitan churches, the seminaries, the parochial benefices and curacies. The State thus acquired thirty per cent of the entire patrimony of the Church. But not enough, the law of August 11, 1870, suppressed in the cathedrals the canons in excess of twelve in number and in other benefices the chaplains in excess of six, and ordered the conversion of the real property of the ecclesiastical administration.

It is unnecessary to reproduce the law of pontifical guarantee already cited: it will suffice to add that the special law promised in Article 18, to provide for the reorganization, the preservation and administration of church property in the kingdom, has up to the present time not been enacted. But the laws of June 19, 1873, those of July 7, 1866, and August 15, 1867, considered above, were applied to the province of Rome, with some more favorable modifications and exceptions in harmony with the ideas expressed in the law of the guarantee.

The movement toward the liberty of religion and the separation of the Church from the State has not stopped at this point in Italy. The law of June 7, 1875, abolished the absolute exemption of the ecclesiastics from the military conscription. On the thirtieth of June, 1876, appeared the law which modifies the formula of oaths in civil and criminal trials, which till that time had been based on Catholic beliefs.

In the year 1887, two laws modified the exceptional dispositions favorable to the city and province of Rome. That of June 9, without prejudicing the law of 1873, authorized the appropriation from the special fund of the charity and religion from the church property of Rome, the annual sum of 120,000 francs as a contribution to the payment of the interest and amortization of the loan made by the Savings Bank of Milan to the city and province of Rome for the re-establishment of the charitable institution of S. Spirito at Rome. The other law of July 14 entrusted to the general

public debt office, the administration of the special fund for purposes of charity and religion in the city of Rome, constituted in virtue of the law of 1873, and ordered the completion of the operations for the liquidation of ecclesiatical property in the province of Rome.

Finally the charities law of July 17, 1890, ordered the concentration in the council of charity of the eleemosynary institutions of the public institutions of beneficence with an income not exceeding 5000 francs, and other like institutions; gave to the council of charity the administration of the funds of other charitable institutions except those which serve to supplement and complete other forms of benevolence exercised by institutions not subjected to the concentration, established purposes more secular and more adapted to the times to devote to them the revenues formerly destined for eleemosynary purposes; ordered in favor of the present and permanent interests of benevolence, the transformation of institutions, which had come to fail of their purpose, or of which the purpose no longer corresponded to the interests of public benevolence, and those of which the purpose was already amply and permanently provided for in another way.

After this summary exposition of the most notable provisions of the principal laws which have radically modified Article 1 of the statute, one should recall that the new penal code of Italy has suppressed any distinction between forms of worship, which had remained in the Sardinian code despite the modifications which had been made. The various cults are no longer distinguished but are spoken of collectively as cults permitted in the state—among which the old Catholic cults are also admitted—which implies neither tolerance nor suppression of liberty since every cult is free with the simple limitation, that it shall conform to the social conditions, shall not alter the social institutions, nor disturb the moral order.

11. The Article 18* of the statute has also been modified

*Gives to the King exercise of civil power in matters pertaining to ecclesiastical benefices.

by the repeatedly mentioned law of guarantee, and has been enlarged by the law of the Council of State, according to which the approval of that body must be obtained in the execution of the ecclesiastical provisions of all kinds, and the fourth section pronounces also on the merits of the assumption of the temporality of the provisions concerning the attribution of civil and ecclesiastical custody respectively, and of the provisional acts of general security relative to this matter.

The last sentence of Article 28, which is to be understood as embodied in the last paragraph of Article 2 of the law of guarantee, has also fallen into disuse.*

12. The laws which have carried out Articles 19, 20 and 21† of the statute we shall not recall: since they treat of minor questions which have no special constituent importance, and since from our point of view these articles do not belong to any of these categories into which we have believed it admissible to divide the statutory provisions. This reference to laws does not as we have already discussed imply that the real guarantee consists of the laws; the Articles 19, 20 and 21 give the principles which are not altered in their embodiment in laws, whereas in the other cases, it is from the laws themselves that the principles are derived.

Nor is there any need of a long explanation of the fact that the first sentence of Article 19 has been derogated many times since this article is included in our second category. The reasons for this disregard are evident; and it is equally evident that the statute has been modified. By the law of March 16, 1850, the dotation of the crown in the reign of Victor Emmanuel was determined; by the laws of March 16, 1860, August 10, 1862, February 5, 1868, May 21, 1876, May 31, 1877, the dotation of the crown during the same reign was modified, augmenting or diminishing according to various circumstances—enlargement of territory or financial conditions—which gave rise to these laws.

*Approval of bishops for liturgical books, etc.

†Civil list of Crown, private property of the same and civil list of heir apparent.

13. Much more important is the modification which the Articles 53 and 54* of the statute have experienced, whether we consider the substance of the matter or the manner in which it has been done which involves the formal constitutionality of the laws in Italy.

The Article 54 however has been disregarded only in an indirect way, inasmuch as the deliberations always have provided for the majority of the votes, but if the quorum is not constituted of one half the members who compose the Chamber and one additional member as the statute provides in Article 53, the minimum demanded by the statute for the passage of a law is of necessity reduced.

It is intended that among the members composing the Chamber of Deputies, there should not be included the vacant seats, nor the seats of districts which have elected a person elected simultaneously for other districts, nor the members elect who have not taken the oath of office, but only those who are legally admitted to the Chamber on the day when the quorum is to be determined, such being the precise provision of the statute. The majority of the members is not the majority of those necessary to complete it, but of those who actually constitute it. The demonstration becomes superfluous if we bear in mind that Article 53 speaks with the same phrase of the Senate, where the number of members by the same statute is not limited, and where by the same statute the appointments must be certified. Nor may a Senator be admitted to the exercise of his functions until he has taken the oath of office. Only those senators who are in the exercise of their functions can be counted as senators in the determination of a quorum.

Some of these conclusiôns which must be scientifically admitted as the basis of the letter and spirit of the statute, were adopted by the Chamber of Deputies of the Sub-Alpine Parliament on December 20, 1849, and November 12, 1850, after having been discussed somewhat at length in the

*Mode of passing bills and quorum.

sessions of December 23, 1848, February 3, 4 and 6, 1849. But the subtraction of the vacant seats and the multiple elections from the total number of 204 deputies, who then formed the chamber, was often not enough to obtain a quorum. Hence Deputy Broglio proposed for the first time to exclude from the computation, deputies absent on leave, deputies whose election had not been confirmed, or who had not taken the oath of office, a proposition which was withdrawn before an attack by D'Ondes-Reggio, as it appeared to savor of constitutent power.

In the session of March 1, 1863, in voting the rules of the Chamber, it was determined that the deputies in regular leave of absence should not be computed in the quorum. On that occasion the reporter, Boncompagni, said that the rules could not prescribe nor could the statute require that these provisions be carried out without taking into account the insuperable obstacles which might prevent a number of members sometimes quite considerable from taking part in the labors of the Chamber. Being moreover supported by the authoritative example of the Senate, the proposition was adopted as we have said.

On February 19, 1864, a proposal which had no further consequences, was read by the deputies, Crispi and Petruccelli, according to which the quorum should be reduced to one-fifth of the actual members of the Chamber, except for voting the budget and new taxes which should fall under the provisions of Article 53 of the statute.

In the rules of 1868 those absent in the service of the Chamber are put on the same footing as those on leave of absence, and to-day the quorum is determined in this way, while in the Senate besides those on leave of absence, senators who are prevented by causes independent of their own volition from being present are not counted. In view of the advanced age of the greater number of them, the quorum is thus excessively reduced.

Thus by way of internal regulation, the two chambers,

after separate and distinct deliberations, have profoundly modified by direct action an article of the statute.

The provision of Article 55 of the statute, so far as it relates to the preliminary examination of proposed laws, has had additions and amplifications from the rules of the two assemblies, without any substantial modification.

Thus by its rules, the Chamber of Deputies has added to the methods of voting prescribed in Article 63 of the statute,* that by the call of the roll.

14. The Article 33 requires that senators shall have completed forty years of age, but at the close of its first session, the Senate admitted Senator Cataldi, who had not attained the age prescribed, though it did not permit him to vote, but only to take part in debate. The same has since been done in the cases of eleven other Senators.

This does not of course directly conflict with the statute, but it constitutes an interpretation of the article made by supplementing the article by the power of a single chamber distinct from the other, which has consistently annuled the elections of all who upon the day of election had not completed the thirty years required.

15. The committees of Pica and Crispi of August 15, 1863, and May 17, 1866, and the extraordinary military tribunals imposed upon the legislative power by abnormal conditions of the public safety, suspended temporarily the Article 71 of the statute, not in that it prohibits the taking of individuals from their ordinary legal jurisdiction which would have been the case in exceptional laws, but in that it prohibits the creation of extraordinary tribunals and commissions.

More serious, however, is the repeated provisional breach with the establishment of the martial law of Article 6, which prohibits the king without exceptional cause to suspend the laws or dispense from their observance. Five times such an occasion has arisen, for Genoa in 1849, Sassari in 1852, for

* Provides for rising, division and secret ballot.

Naples and the Neapolitan and Sicilian provinces in 1862, for Palermo in 1886, for Sicily and Lunigiana in 1894.

Excluding 1866 because the government had complete power from the legislative branch, where it might be deemed that the suspension of constitutional guarantees had the force of law—in all the other cases in which the government has proclaimed martial law, it must be considered in the sense of a partial suspension of the constitution, not, however, in the Anglo-American sense of the simple repression of a sedition by armed force, but in the French sense of a state of siege. Certainly the government has in cases of necessity the right and the duty to defend itself. But in all the cases mentioned, this necessity was not self-evident, nor is it admissible to proclaim military tribunals, which occurred for the first time in 1894, tribunals which arrogated to themselves the power to judge of facts anterior to their establishment, though connected with the facts which provoked the declaration of martial law. The Supreme Court in criminal matters in Italy has, however, justified this theory. Parliament has not felt it necessary to pass a bill of indemnity, which the government in the other cases has disdainfully refused, saying that it had applied the law.

The law is said to be found in the military penal code which permits the proclamation of a state of siege in the case of invasion by a hostile army. But how can, as a restriction of liberty, the invasion of a hostile army furnish an analogy in the case of internal sedition? And yet this has been allowed in Italy, and with the authority of the Chamber of Deputies and the judicial power.

16. The law of December 30, 1882, on the oaths of deputies, gives an interpretation and an amplification to the Article 49 of the statute, declaring invalid the election of deputies who refuse, pure and simple, to take the oath of office, or who do not take it within a period of two months after the confirmation of their election, except in case of a legitimate impediment. It may truly be said that

those who have power to interpret have indeed power to modify.

17. The law of December 6, 1865, upon the organization of the judiciary, is supposed to have embodied in Articles 199-212 the immovability of the magistracy which is recognized in Article 69 of the statute without referring to a special law. But the needs of the service place judges who are theoretically immovable, at the discretion of the ministry, and this renders illusory the constitutional provisions, though furnishing certain guarantees in regard to their absolute retirement and removal from office.

But it certainly does not suffice merely to maintain them in office; for, so long as the executive power can transfer a magistrate from Pachino to Susa, promote him and decorate him, entrust honorable and lucrative charges to him, and vice-versa can leave him for his natural life in any position whatever in the same grade and without honors or duties; the magistracy is not to be considered constitutionally immovable and much less independent. Yet the magistracy in Italy is superior to the position created for it morally and financially; many facts could be cited, which redound to the honor of the Italian judges, but, on the other hand, some few facts perhaps explicable by the constitutional law in the matters which are worthy of censure.

It has often been contemplated to establish seriously the immovability of the magistracy, but free government is too recent for such efforts to have gained sufficient importance and weight to attain their end. It was contemplated by the ministers, Villa and Pessina, who, in decrees of January 4 and 27, 1880, and December 14, 1884, instituted a consulting commission for the promotion, the nomination and payment of magistrates. Parliament has often thought of it without making any radical law.

As we have said, free government is too recent for the traditions of absolutism to be removed from everything. Many still think in Italy that the judiciary is not an autonomous

power, but simply a dependence of the executive like the administration, and the belief is widely spread also among men of science. They had efficient interpreters in the commission to edit the new penal code, where it is said that powers of the state are two only, the legislative and the executive. The statute also does not speak of a judicial power, but of a judicial organization.

18. To the last part of the statute, to that we may remember, which sanctions the principles by which the form of government is determined belong Articles 2,* 5,† 65‡ and others which it is not necessary to point out. These articles have been modified and even contradicted by constitutional practice and usages.

The state is in law a representative monarchical government, which to-day with the development which it has had may be called parliamentary. The executive power does not belong to the king alone, as Article 5 of the statute would have it, but the king participates in the executive with the cabinet system. The king is the chief of the state, the president of the ministry is chief of the executive.

This notion of the government is eliminated moreover from Article 65 which Italian practice has not respected. The letter with its externals remains, since the king issues decrees appointing and removing ministers, but the spirit is not that which follows from the statute as it is the Chamber of Deputies which by its votes determines the appointment and removal of ministers.

19. But in addition to all the constitutional laws and usages which form integral parts of the parliamentary institutions, there exist in laws, in decrees, and in practice many provisions which in the most restricted significance are of a constituent character.

Article 8 of the statute says merely that the king may

* Declares the state a representative monarchical government.
† Establishes power of the King.
‡ "The King appoints and dismisses his ministers."

grant pardons and commute sentences. The penal code and the law of penal procedure give to the king the prerogative of amnesty and of pardon, determining its purpose, its methods and its effects.

Article 32 speaks only of the right of assemblage. Various habits without a law, which would be difficult and perhaps objectionable, recognize in Italy the right of association.

Of the right of perquisition the statute is silent, but the Parliament has recognized it under the head of examination of the public service, the social activities and personal responsibility of deputies, senators and ministers.

20. Besides all this movement of legislation and custom, the reform of the composition of the Senate has been agitated. This movement originating in the field of science has penetrated the superior chamber itself which from time to time has occupied itself with the question unofficially.

The present prime minister, Crispi, is known to be favorable to the reform of the Senate, since during his previous ministry, the studies which were made in the Senate itself, had had a noticeable increase, although it is to be remembered that the Senate and Crispi himself halted before the difficulty of choosing a different composition for the upper Chamber.

The first explicit indication of a desire to reform the Senate was given in the session of March 31, 1886, by a declaration of Prime Minister Depretis in replying to Senator Alvisi. Before that time Senator Lampertico, reporting the bill for the modification of the electoral policy, which became law in 1882, spoke in a general way of the superior influence which the Chamber of Deputies had acquired, and between the lines under these circumstances touched upon the possibility of a different composition of the Senate.

On the ninth of April, 1886, occurred an assembly of senators to study this serious problem. Out of it grew a commission of six members which reported to the Senate in secret committee in July, 1887.

Crispi fell in 1891 and the movement was everywhere arrested, having again risen to power a year later the matter is again considered. Propositions have been made indirectly in the Senate, but they have no great following. According to rumor it is not wished to modify the statute directly but to make the choice fall upon persons belonging to twenty-one categories proposed for the body, in Article 33 from which should be drawn a number three times the number of Senators to be named, from which the Crown should select the names.

It is evidently no solution. Without a modification of the statute we shall never have in Italy an upper chamber of greater influence and importance than the present.

21. From the foregoing exposition the following inferences are evident: that the Italian Constitution no longer consists of the statute of Charles Albert, that this forms simply the beginning of a new order of things, that many institutions have been transformed by laws, decrees, usages and neglect, by which the Italian Constitution has become cumulative, consisting of an organism of law grouped about a primary kernel which is the statute.

Nor has the movement been arrested. Constitutional laws are proposed nearly every moment, for example, the indemnification of deputies, and it is worthy of commendation that Parliament proceeds slowly and cautiously in such reforms. But it is not venturesome to say that the reforms will be continued, that the evolution toward a greater perfection will be continuous and permanent in the Italian Constitution, which by the attitude of the people, by the absence of exaggeration and by their love of liberty, is destined for a glorious future.

G. ARANGIO RUIZ.

University of Naples.

REPRESENTATION IN NEW ENGLAND LEGISLATURES.

Three clauses in the federal constitution raise to the dignity of national interest and importance anything affecting representation in the State legislatures. It is only persons duly qualified for electors of the more numerous branch of the legislature in each State who are, by virtue of that fact, entitled to vote in federal elections; it is the State legislatures that elect federal senators; and, again, it is these same assemblies that determine the method by which presidential electors shall be chosen. A comprehensive study of representation in all the State legislatures would throw light on important lines of our institutional development. Differences of political temper and habit would force themselves into view. The anomalous variety in the suffrage by which congress is elected, the striking differences among the bodies by which federal senators are chosen would stand revealed.

A study of so small and so homogeneous a group of States as New England must sacrifice much of this national interest which would attach to an investigation of the broader field. It may, however, retain a clearness of definition, together with a minuteness which would be quite impossible were it attempted to bring the forty-four State legislatures at once beneath the glass.

I. Who are represented? Or, rather, who may vote for members of the legislatures?

It is a conservative answer which New England gives to this question. In all six of the States there is unanimity in confining the suffrage for State representatives, and hence for congressmen, to males, at least twenty-one years of age, who are citizens of the United States by birth or by naturalization. There are excluded criminals, persons under

guardianship and paupers. Needy soldiers and sailors of the late war, however, are not disfranchised, and New Hampshire withholds the ballot from no man as a pauper unless he has received public relief within the ninety days immediately preceding the election; even he may vote if, before appearing at the polls, he tenders to the proper officer a return of the aid received.

Formal property qualifications for the legislative suffrage no longer exist in any of the New England States. Rhode Island swept away the last of these only seven years ago. The payment of a poll-tax as a pre-requisite for voting has also fallen into disfavor. In Massachusetts it has been abolished. In New Hampshire persons excused at their own request from the payment of their tax may not vote, unless they first make a tender of the amount of the tax—a provision which certainly does not discourage corruption at the polls.

As to residence qualifications Maine is most lenient, insisting only on a three months' previous residence in the town where the man wishes to vote. New Hampshire doubles this term. In addition to this six months of local residence all the other states insist on a longer term of probation within the commonwealth. Rhode Island is the most exacting in this respect; no man is qualified to vote for representative until he has breathed the air of Narragansett Bay for at least two years.

Of the four States in the Union which have adopted an educational qualification for the suffrage, three are in New England. In the middle of the century Massachusetts and Connecticut set a worthy example by requiring the candidate for registration to prove his ability to read the English language and to write his own name. Two years ago Maine adopted a similar qualification. Recent legislation has aimed to make this test more effective, and to prevent the possibility of collusion, but none of these states has yet added the Mississippi refinement of requiring the would-be

voter to interpret the constitution to the satisfaction of the registrar.

II. Who are the legislators?

Turning from the electors to the bodies which represent them, we find six bicameral legislatures, differing widely in relative numbers, in qualifications, in personnel and in the basis of representation on which they are chosen. In all but Massachusetts and Rhode Island the sessions are biennial, and in both of these conservative States constitutional amendments are now pending, abolishing the annual session in favor of the biennial.

The table on the next page presents some of the points of difference among the legislatures.

Large as is the immigrant population in some of the New England States, very few of alien birth have found their way into the legislatures. In almost every case at least three-fourths of the members are natives of the States where they now reside. In Maine, thirty-five per cent of the members in each house were born in the towns which they now represent.

Agriculture claims more of the members than any other calling, a fact which, together with a tender solicitude for the farmer's vote, explains much recent legislation. In New Hampshire it is reported that all matters pertaining to agriculture, before being voted upon in the legislature, received a preliminary consideration in a farmers' council, made up of the hundred farmers in both branches of the legislature. The large proportion of farmers in the Connecticut assembly is explained by the peculiar basis of representation to which that State still clings.

In Massachusetts and Rhode Island the mercantile and manufacturing interests have a considerable representation. The Massachusetts house is remarkable for quite an unusual number of journalists, and for the very large proportion of lawyers, one in every six.

In regard to the legislator's education the sources of infor-

NEW ENGLAND LEGISLATURES.

		Number of Members.	Compensation.†	Qualifications of Members.	Politics.			Birthplace.			Occupation.				Education.	
					Republican.	Democratic.	Others.	Own State.	New England States. ‖	Abroad.	Farmers.	Lawyers.	Merchants.	Manufacturers.	Academic.	College.
Maine 661,086*	Senate,	31	$150.	Age 25, 5 years citizen of U. S., 1 year resident in Me.	31	0	0	26	3	2	10	6	3	2	11	7
	House,	151	150.	5 years citizen of U. S.	146	5	0	147	2	2	46	14	17	8	39	15
New Hampshire, 376,530	Senate,	24	$200.	Age 30, 7 years resident in N. H.	21	3	0	19	5	0	9	3	1	2	9	7
	House,	363	200.	2 years resident in N. H.	264	99	0	323	34	6	97	17	27	17	¶	22
Vermont, 332,422	Senate,	30	$3 a day.	Age 30, freeman of his Co.	30	0	0	26	3	1	10	7	1	3	18	8
	House,	241	3 a day.	2 years resident in Vt., 1 year resident in his town.	228	11	2‡	215	19	7	142	12	21	11	101	20
Massachusetts, 2,238,943	Senate,	40	$750.	5 years resident in Mass., inhabitant of district.	36	4	0	30	10	0	1	10	11	3	5	16
	House,	240	750.	1 year resident in his district.	191	44	5§	187	38	11	16	39	48	37	45	44
Rhode Island, 345,506	Senate,	37	$1 a day.	Same as of electors.	35	2	0	27	8	2	10	4	5	6	9	5
	House,	72	1 a day.	Same as of electors.	69	3	0	42	20	8	8	6	19	19	20	12
Connecticut, 746,258	Senate,	24	$300.	1 year resident in district.	23	1	0	21	3	0	5	3	2	8	¶	
	House,	252	300.	1 year resident in town.	205	46	1	199	42	9	88	14	26	28		

* Population according to Census of 1890.
† Not including mileage.
‡ 1 Farmer's Labor. 1 Independent.
§ All fusion candidates. 2 Pro. R. 1 R. D. 1 D. R. 1 L. D.

‖ New England States, together with New York, Michigan, Ohio and Pennsylvania.
¶ Statistics not obtainable.

mation are unofficial, and are both incomplete and inaccurate. There is some unanimity as to what constitutes a collegiate education, but "academic" is altogether too elastic a term. It is a valueless distinction to dignify the education received at an endowed school as "academic" in contrast with a "public school education," obtained in a high school of the same grade.

In all of the States it is considered an essential qualification that the member be an actual resident of the town or district which he represents; none but "the member from Pompey" can know the needs of Pompey well enough to participate intelligently in State legislation. In this respect Massachusetts at least has abandoned colonial precedents. In the early days men of Boston and Salem often used to stand for more remote constituencies. But to-day the requirement of local residence has found its way into most of the constitutions. Thus the New Hampshire representative who ceases to be "an inhabitant of the town, parish or place he may be chosen to represent," from that moment ceases *ipso facto* to be a member of the law-making body. Even in the absence of statutory requirement, custom insists rigidly on the legislator's residence within his constituency. Rhode Island, however, prohibits the division of any town or city into districts for the choice of representatives.

III. What is the basis of representation?

"*Vox Populi* may be *Vox Dei*," says Sir Henry Maine, "but very little attention shows that there never has been any agreement as to what Vox means or as to what Populus means. Is the voice of the people the voice which speaks through *scrutin d'arrondissement* or through *scrutin de liste*, by *plébiscite* or by tumultuary assembly?"

In New England how was Vox Populi to translate itself into Vox Dei? On one point our forefathers were agreed: it must be through representation. Was not that the very thing for which they had been fighting? Moreover, that representation ought so far as possible to be *equal;* so said

the constitutions. But in what does this equality consist? Does it require that the voice of the minority should be heard? This was answered unhesitatingly in the negative. Does equality mean the same number of representatives from each district, each town? Or, regardless of the boundaries of political units, does it mean one representative for a certain quota of inhabitants? or for a certain quota of voters? On these questions opinion was divided, and has so remained. Here are twelve legislative bodies. (*a.*) In five of the senates representation is by counties or by districts regardful of county lines. In all of these some attempt is made to proportion representation to population or to voting strength. Rhode Island is the only one of the six States that bases senatorial representation on the town, without regard to population. (*b.*) In two of the houses it is the towns as political units that are represented, each having the same number. (*c.*) In three, towns are represented, but with more or less elaborate and workable devices for securing a degree of proportionality to population. (*d.*) In one, representation is in proportion to the number of legal voters, towns as such having no minimum representation.

It was the organization of a New England legislature that in 1787 suggested the compromise whereby the interests of the large and small States were harmonized by the constitutional provision for a bicameral congress, each house resting on a different basis. In the New England assemblies to-day it is the rule that one chamber—now the house, now the senate—represents political units, while the other represents population. The only exception is in Massachusetts, where for both chambers the same basis of representation has been chosen, and carried out with the least practicable interference from town boundary lines. In both house and senate it is not towns or counties, not "inhabitants" or population, but legal voters that are represented. After each State census the commonwealth is divided into representative and senatorial districts, each of which shall contain as

nearly as possible the proper quota of legal voters. Towns or wards of cities may not be divided, but may be combined in making up a djstrict. The representation which a county receives depends entirely upon its voting strength. There is no maximum or minimum fixed by law. Thus Suffolk county sends nine senators, while Barnstable, Dukes and Nantucket counties constitute the "Cape district," and send but one senator to Boston.

Maine, New Hampshire and Vermont, as well as Massachusetts, provide for periodic reapportionments of the senators among counties or districts conforming to county lines, in proportion to population. Vermont insists that each county must have at least one senator. The New Hampshire constitution, while declaring that the senatorial districts shall be as nearly equal as possible, directs the apportioners to "govern themselves in the proportion of the direct taxes paid by the said districts." Connecticut admits the principle of proportionality to population, but with so large a minimum guaranteed to each county as to make it practically inoperative. Since each of the eight must have at least two senators out of the twenty-four it results that Tolland county, made up of sparsely settled farming townships, with a total population of 25,081, has 8.3 per cent of the representation in the senate, although its population is only 3.3 per cent of that of the State, while New Haven county, containing 30 per cent of the population of the State, elects but 16.6 per cent of the senators; in other words, with a population nine times that of Tolland county, New Haven county can have only twice as many members in the upper house.

But in senatorial representation it is Rhode Island that does the greatest violence to the spirit of equality, while clinging to its letter. As in the federal senate, so here is found the same representation for each political unit, for each town, whatever its population. As a result in the Rhode Island senate Jamestown with 707 inhabitants stands

the proud peer of Providence with a population of 132,146. New York and Nevada are not more unequally mated at Washington.

In the lower houses the idea that each town should have at least one representative finds wider acceptance. Even in Massachusetts where representation is periodically reapportioned among districts according to voting population, custom with the force of law determines that there shall be rotation within the district so that each town shall have its turn in sending as representative one of its own residents once in every few years.

At each reapportionment in Maine one representative is given to each town, or district formed by the union of several small towns. In accordance with a complicated ratio of increase prescribed by the constitution additional representatives are apportioned among the larger towns. The representation advances, however, at a slower rate than the population, so that a town of 26,250 inhabitants has but seven representatives, and this is the maximum.

New Hampshire takes the people into her councils to the extent of giving one representative to every town or ward of a city having 600 inhabitants, making 1200 the "common difference" for each member added to the town's delegation. This gives the State, with a population one-sixth smaller than that of Boston, a house of representatives larger by over a hundred than that of any other State, larger by seven than the lower house in Congress!

Rhode Island safeguards the interests of the towns by giving to each at least one representative. As the membership of the house is limited to seventy-two, this leaves a margin of thirty-five members to be apportioned among the towns according to population, but no town or city may have more than twelve. Thus Providence can have but one-sixth of the house membership, although containing already nearly two-fifths of the entire population of the State.

Vermont is the only State to insist upon absolute equality of representation in the house for all political units. To each of her 243 towns is given the choice of one member. Burlington, with a population of 14,590, Rutland with 11,760, Somerset with 61, and Baltimore with 64 are all of the same height in the house. Two little towns are now without representation; party dissensions prevented an election.

In matters of constitutional law Connecticut delights in the antique. Retaining her old charter as the fundamental law for forty years after the separation from England, it was not until 1818 that she framed a constitution for herself. So far as representation was concerned its theory was, "the thing that hath been, it is that which shall be." The number of representatives from each town was forever to remain the same as at that date. Any new town that might be incorporated, however, was to receive but one, while the towns from which it was made were not to have their representative diminished without their own consent. An amendment added twenty years ago allows two members, the maximum representation, to any town of 5000 and over, even if it does not date from the most ancient times; but it guarantees to all other towns the representation which they then had. Two years later it was provided that thereafter a new town should be deemed to be merely an election district of the town from which the greater part of its territory is taken, until each should contain at least 2500 inhabitants.

In the face of most urgent and persistent agitation for representation based on *some* principle, and in utter disregard of the revolution which eighty years have made in the localization of her population, Connecticut still continues this Pickwickian "equality." Its equity may be seen by comparing the relative changes in the population of half a dozen towns during the decade preceding the last census:

	1880	1890
New Haven	62,882	86,045
Hartford	45,551	53,230
Bridgeport	29,148	48,866
Hartland	643	565
Killingworth	748	582
Union	539	431

To the general assembly each of these towns sends exactly the same number of members for the simple and sufficient reason that in the year 1818 each sent two. In New Haven the ratio of representation five years ago was 1 : 43.022 inhabitants. As her peer in the house stood Union with a ratio of 1 : 215. The three principal cities of the State, containing more than one-fourth of its entire population, more than one-third of its taxable wealth, elected *six* representatives out of 251. But even these figures do not give a full measure of the "equality" of Connecticut representation. The growth of cities in that State has been hardly more striking than the falling off in population in the old country towns. While conservatism, interested partisanship and the class feeling of the rural population resist all attempts to revise the antiquated constitution of 1818, natural causes are bringing the State government under a tyranny of "the deserted village" that becomes even more oppressive and odious. Pure-minded men of all parties deplore the prevalence of corruption among the voters of Connecticut. But it is not an independent phenomenon. The anomalous system of representation makes all "the external conditions for virtue" of the weakest. So long as the securing of a majority in a town of eighty and in a city of 20,000 voters brings the same political advantage, it need cause no surprise that elections in the country towns are close. It is here that the real campaign is fought. Moral suasion takes various forms. Matter-of-fact Rumor names $14.00 as the regular price of votes in one of the aforesaid towns.

Were it possible to frame *de novo* a system of representation for the Connecticut of to-day, no one would dream of

allowing any group of 500 inhabitants to send two delegates to the general assembly. But so firm is the alliance between the interests of party and of the country towns, jealous of their ancestral representation, that the champions of reform dare advocate nothing so radical as the diminishing of any town's present quota. It is palliatives, new patches upon old garments, that they urge. There is now pending in the Connecticut house a bill introduced by a New Haven member, which provides that "each town of 15,000 shall be entitled to three representatives and another representative for each 5000 additional population." Were it possible for this bill to pass it would introduce some elasticity into the system; for example, it would raise the representation of New Haven from two to twenty, and make provision for the future expansion of cities. But such a measure would make the legislative body bunglingly large; its immediate effect would be to raise the membership to 300, and a decade or two would make the house more unwieldy than that of New Hampshire. Moreover this bill does not touch one fundamental injustice: while it makes the city ratio of representation 1 : 5.000 it leaves to the ghosts of ancient towns so preposterous a ratio as 1 : 200.

IV. To what extent does each State's system of representation make the political complexion of the legislature vary from that of the body of the voters?

State parties are practically unknown. For reasons too familiar to need enumeration here, nine voters out of ten in a State election cast their ballots in unquestioning allegiance to parties based on tariff and currency issues. However scholars may criticise such political action as unreasoning and disastrous to the best interests of State government, it is hard to deny the justice of the voters' claim that the representative body should reflect their expressed will, with the least possible distortion from the media through which it passes. That there must be a certain "tolerance," no one will deny. To what extent the actual divergence is due to

district voting, is a question that cannot be answered with exactness. Statistics giving the total vote for all candidates of the several parties are obtainable from only a few of the States. Something of an approximation may be reached by comparing party strength as found in the legislative bodies, and as expressed in the votes for the governors chosen at the same elections. It must of course be borne in mind that the State elections last November were by no means typical; that an individual candidate, whether for governer or for lawmaker, may run far ahead of, or behind his ticket; and that the minor political parties put forward no candidates for the general assembly in many constituencies where their gubernatorial candidates polled considerable votes. But after every allowance of this kind has been made the results of the comparison are striking.

State.	Party.	Percentage of Vote for Governor.	Percentage in Senate.	Percentage in House.
Maine.	Republican	64.3	100.	96.7
	Democrat	28.3	0	3.3
	Prohibition	2.5	0	0
	People's	4.9	0	0
New Hampshire.	Republican	56.0	87.5	72.7
	Democrat	40.9	12.5	27.3
	Prohibition	2.1	0	0
Vermont.	Republican	73.5	100.	94.6
	Democrat	24.4	0	4.6
	People's	1.3	0	0.4
	Prohibition	0.8	0	0.4
Massachusetts.	Republican	56.5	90.	81.3
	Democrat	36.9	10.	18.7
	People's	2.7	0	0*
	Prohibition	3.0	0	0
	Labor	0.9	0	0
Rhode Island.	Republican	53.1	94.6	95.8
	Democrat	41.3	5.4	4.2
	Prohibition	4.1	0	0
	Labor	1.1	0	0
Connecticut.	Republican	53.5	91.7	81.3
	Democrat	43.3	8.3	18.3
	Prohibition	1.5	0	0
	People's	1.3	0	0.4

* No candidate was elected by a minor party unaided. Fusion candidates are here credited to the major party by whose aid they were elected.

V. To what extent do the representative systems limit the political influence of cities?

In the discussions which arose over the work of the recent constitutional convention in New York, the impression seemed to be prevalent that such a restriction as that which prevents the election of more than one-half of the legislature by the two cities of New York and Brooklyn was something without precedent. Yet such is by no means the case. In all of the New England States but two, Massachusetts and New Hampshire, the constitutions fix some maximum of representation in one house or the other which puts a sharp limit on the political power of any city. The absolutely equal representation for each town in the Vermont house and in the Rhode Island senate of course has this effect. In Connecticut the equally fossilized but less symmetrical system of town representation in the lower chamber, limits to two the number of members from any city, no matter how large it may become; in the upper chamber, also, the giving of a large minimum representation to each county, cuts down the margin to such an extent that no county containing a large city can be represented in proportion to its population. In the Maine house no town may have more than seven members; in Rhode Island the limit is fixed at twelve. In Maine and Vermont, where the population is mostly rural, and changes but slowly,—Vermont's population gained but one-half of one per cent during the last census decade,—this restriction does not make itself very oppressive. But in the legislatures of both Rhode Island and Connecticut, such narrow limits are placed upon city representation as to work gross injustice to that part of the population which is steadily and rapidly on the increase. To-day more than half of the inhabitants of Connecticut live in cities of 15,000 and over, yet these elect less than one-tenth of the members in the so-called "popular" chamber.

Such facts as the foregoing would seem to show that even in one of the oldest and most homogeneous sections of the

country the federal suffrage is conferred on very different terms; that the assemblies which elect federal senators differ widely in size, in personnel and in the basis upon which they are elected; and that, although equal representation is the ideal set up by the constitutions, there is utter disagreement as to what constitutes equality of representation, while in their attempts to realize it most of the States, by clinging to its letter, have sacrificed its spirit.

GEORGE H. HAYNES.

Worcester Polytechnic Institute.

THE INCOME TAX DECISIONS AS AN OBJECT LESSON IN CONSTITUTIONAL CONSTRUCTION.

Sir Henry Maine has, in his "Ancient Law," made the use and value of fictions in the development and administration of the law very familiar to the non-professional, as well as to the professional reader. And yet, neither the professional nor the non-professional reader is fully conscious of the extent to which the rights of persons, and the judgments of the courts, depend upon the recognition of a pure fiction as a controlling principle of a fundamental law. Many a defendant in a criminal prosecution has escaped punishment by the solemn and serious application, of what is apparently accepted by both Bench and Bar as a general fundamental principle of criminal law, that a criminal intent is an essential element of a crime. The proposition is asserted and applied in the ordinary criminal cases of murder, assault and battery, larceny, etc., as if it were an invariable element of a crime, and the element which invariably distinguishes crime from a civil liability for a trespass. And neither Bench nor Bar seem to be shaken in their belief in the universality of this supposed general principle of criminal law, when they are required to prosecute a defendant for criminal negligence, the nature of whose offence absolutely precludes the implication of a criminal intent.

One of these wide-spread, universal fictions is the so-called cardinal rule of interpretation and construction of statutory and constitutional law, which is generally accepted as an unfailing guide to the determination of the meaning and effect of a proposition of written or statutory law. This cardinal rule of interpretation and construction is, that where a law has been enacted, whether it is an ordinary

statute or a provision of the State or National Constitution, its meaning and effect can be accurately ascertained, only by the discovery of the meaning and intent of those who composed the legislature or constitutional convention, which had adopted the provision under inquiry, or what was understood by the language employed in the statutory or constitutional provision by the contemporaries of such legislature or constitutional convention. If this so-called cardinal rule of interpretation were actually obeyed by the courts in their construction and interpretation of statutory and constitutional law, the student of political science would have nothing to say concerning it, except that perhaps a stray radical would condemn the unwisdom of a rule, which would require the interests of a growing nation to be handicapped by the comparatively narrow ideas of a past generation. But the fact is, however gravely the Bench and Bar may believe to the contrary—and they as a body most certainly believe in the verity of this first rule of interpretation and construction—in no case of statutory and constitutional construction, where there has been or is any variance between present public opinion and the written word of the statute or constitution, has there been any observance or enforcement of the real meaning and intent of those who were responsible for the enactment of the statute or constitutional provision, except in two cases and under one of two conditions: first, either because the written word of the statute or constitution was not susceptible of more than one construction; or, secondly, at some time previous to the present case, the same provision has been subjected to judicial construction, and the court feels bound in the pending case to follow the opinion of the court in the earlier case. The determination of the court to stand by its ruling in the earlier case, in which the same legal question was raised and decided, is a very wise provision in the actual administration of justice for the assurance of stability in the law, as actually enforced and administered. But the rule

of *stare decisis* has its limitations; and whenever the decision of a court in the interpretation of a rule of law is so far out of line with the prevalent conception of right and justice, that public opinion, as it finds expression and feeling through the court, and those who legitimately influence the formation of judicial opinion, would endorse and urge the repudiation of the old ruling and the adoption of a new ruling which is more consonant with the prevalent sense of right, we learn that the court has overruled the decision in the earlier case. *Stare decisis*, in this comparatively extraordinary case, gives way to the popular demand for a contrary ruling. In the greater number of cases, where the earlier decision or decisions conflict with the prevalent sense of right, the court is able, by the use of refined distinctions, which the laity call the quibbles of the law, to give a reason why the decision in the earlier case should not apply to the pending cause of action. A new rule is laid down for the government of the present case, and it is then said to be distinguished from the earlier case.

If there has been no previous adjudication over the question of law, and the statutory or constitutional provision comes before the court for judicial construction for the first time, and there is a more or less extensive clashing of interests over the disputed provision of the statute or constitution, the case is hotly contested; both sides are ably represented by counsel, and the advocates on either side exhaust their ingenuity in convincing the court that the framers of the statute or constitutional provision intended to establish by the clause in question that rule of law which is most favorable to the interests of their client. If the written word is susceptible of but one construction it is not difficult, in the ordinary case, to predict what will be the judgment of the court, and the battle of the legal giants will not be prolonged. But if the written word of the statute or constitution admits of more than one interpretation or construction, the attorneys for each side will earnestly and seriously contend for

that construction which is most favorable to the interests of their client; and the attorneys for both sides will support their claim of having the right view of the case by the grave argument that those who framed and enacted the contested law intended to place upon the written word the construction and interpretation they respectively favor and urge.

When lawyers make this appeal to the intentions and meaning of those who framed and enacted the law, and the learned judges in turn base the judgment of the court in favor of one or the other possible construction of the written word of the statute, on the fundamental proposition, that it *was* the intention of the law-making power that the law should have that effect, they do so in all sober earnestness, and they are unconscious that they are relying upon a most profound fallacy, viz: that the intentions of the law-making power, except so far as they have been absolutely embodied in the written word, have any control whatever over the interpretation and construction of the written law. On the contrary, if a constitutional provision or statute is susceptible of two constructions, one of which reflects the meaning and intent with which the written law was adopted, and the other reflects the prevalent sense of right, and is demanded by a strong combination of private or public interests, the adoption by the court of the latter construction may be confidently predicted, unless some prior decision, and the doctrine of *stare decisis*, blocks the way. And if the court adopts the construction which appears to be that which was intended by the enacters of the law, it is not to be explained on the ground that the framers of the law entertained that construction, but because it conformed to, and was required by, the prevalent sense of right, as it found expression through the court. And this, which I claim to be the true cardinal rule of interpretation, may be justified by scientific and logical reason, as well as shown to be the rule which is actually, but probably in almost all cases, unconsciously obeyed by both Bench and Bar.

It is not an unjustifiable use of the superlative, to say that the cases in the Supreme Court of the United States, involving the inquiry into the constitutionality of the income tax law, have attracted more attention throughout the United States and created more popular discussion than any other litigation of the past thirty years. Other cases might easily be cited, whose effect will be more profound and extensive, but none which has created so much popular excitement, and it is not going beyond the limits of reasonable statement, to assert that the several opinions, filed in the case by different members of the Supreme Court, are more or less of an enigma to the legal profession and the laity, to the learned and the ignorant. I believe a great deal of the doubt and confusion, which surrounded the question of the constitutionality of the income tax law prior to the rendition of the decisions of the court, and which has not been completely dissipated by these decisions, is due to the popular and professional conception, that, in order to determine what is a direct tax, as the term is employed in the Constitution of the United States, which requires that all direct taxes levied by the United States shall be apportioned according to population, one must seek the meaning which the word had in common use at the time when this provision of the Constitution was adopted. If one is to accept that formula of constitutional construction in all its literal exactness, the rational mind cannot escape the irresistible conclusion that a national income tax of two *per cent* on all the income of individuals and corporations, over and above the sum of four thousand dollars, is in contravention of the provision of the United States Constitution, Article I, Section 9, which provides that "no capitation or direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken."

There has, in fact, been no change at any time in the economic history of the world in the meaning of the term "direct tax." Political economists and the dictionaries have

united in giving the same distinction between direct and indirect taxes, viz: that taxes are *direct*, when they are levied upon and collected from those who were expected to pay them, and *indirect*, when they are levied upon and collected from one class of persons, with the understanding and expectation that they will be ultimately paid by the consumer or user of the things or property taxed, under the guise of an increase in the price of the property so taxed. There has never been any doubt that a tariff is an indirect tax. For while the importer pays the tax, he adds it to the price of the goods imported, and the consumer ultimately pays his proportion of the tax in the consequent increase of the price which he pays for the goods he consumes. There may have been, and there is even now a difference of opinion as to what taxes are properly considered to be direct; and that, too, where there appears to be a unanimity of opinion, as to the general meaning of the term. Almost every one, including the majority of the Supreme Court of the United States in their decision in the present case, concedes that a tax on land is a direct tax, and even the minority of the court, in dissenting from that opinion, rest their dissent on the legal bar of *stare decisis*. But, except so far as the taxpayer is a user of the land which is taxed, and therefore comes under the classification of consumers, he does not ultimately pay the tax. The land-owner adds it to the rent which he charges his tenant for the occupation of the land, and the tenant really pays it in the shape of increased rental. If the land-owner were not required to pay a tax on the lands which he lets, or the importer were not required to pay a tax on the goods which he sells, the tenant would be able to hire the land at a proportionately lower rental, and the consumer could buy the imported goods at a proportionately lower price. It is a matter of common information that the reason why the average gross returns from real estate investments are so much greater than the gross returns from

investments in personalty, after deducting a small percentage for repairs and insurance, is that personal property can escape taxation, and real estate cannot hide itself from the tax-gatherer. The land-owner requires a larger percentage of gross profit than does the mortgagee, because the land-owner cannot get away from the payment of the tax, and he must be reimbursed for this charge upon the property. If personal property could not generally escape taxation, the borrower could not borrow money at four and a half and five per cent.

It seems to me that the only taxes which are really *direct*, in the only sense in which the term *direct tax* can be properly used, is a poll tax, a tax on incomes, or a tax on the consumer of any article, such as the tax on carriages. A general tax on income is in the main a tax on the consumer; and while it is possible for the skillful mathematician to make a due apportionment of an income tax, so that the immediate taxpayer may reimburse himself for his outlay by raising the prices on the things, by the sale of which he is able to make his income, yet the process is a much more difficult one, than in the case of a tax on lands or imports. Of all the taxes, which are claimed to come within the term *direct tax*, it seems to me that there is the least objection to its application to the income tax. If, therefore, the constitutionality of the income tax law is to be determined by a consideration of what the members of the Constitutional Convention of 1787 understood to be a direct tax, there can be no doubt whatever that the income tax fell within the constitutional limitation as to apportionment according to population. The opinions of Chief Justice Fuller and Mr. Justice Field are unanswerable from that standpoint. For while an effort was made by the counsel for the Government to show that an income tax was not within the ken of the framers of the Constitution in their conception of a direct tax, the economic history of the world forces us to the contrary conclusion.

If this be true, how then can it be explained that the able jurists, who dissented from the opinion of Chief Justice Fuller, and the other able jurists, who composed the court when the case of Springer v. United States, 102 U. S. 586, was decided,—not to refer to the personnel of the same court during the pendency of other cases, in which this clause of the Constitution was under construction—soberly reached the conclusion that an income tax was not a *direct tax?* The uncomplimentary charge of ignorance of the meaning of the term "direct tax" would be both unjust and unsatisfactory. Let us see how clear it all appears, as soon as we successfully shut our eyes to this so-called fundamental rule of construction, that the intention and meaning of the framers and enacters of a written law must necessarily govern and control the construction and interpretation of the law, and substitute for it, what I claim to be the true rule, viz: that the prevalent sense of right must be ascertained in all its bearings and applied to the determination of the question.

This constitutional provision was the outcome of the compromise, of which traces are found throughout the national constitution, between the nascent national and local State allegiance. And it was designed to check the then dreaded danger of tyranny of the general government. But the enforcement of the provision, that direct taxes shall be apportioned among the States according to population, proved to be even more impracticable than the enforcement of the common constitutional requirement of uniformity and equality in taxation. When, therefore, the United States Supreme Court was asked to declare whether a tax on carriages kept for use was a direct tax, the Court answered in the negative.* And the same answer was given to the same inquiry in respect to the character of a tax on the revenues of insurance companies, from whatever source, including real estate, the revenue may come.† A tax on the circulation

* Hylton v. United States, 3 Dall. 171
† Pacific Ins. Co. v Soule, 7 Wall. 434.

of State banks,* a tax on inheritance of real estate,† and finally a tax on income.‡ If one were to undertake to collect examples or illustrations of direct taxes, it would be difficult to select better ones than those just enumerated, and the capitation and land taxes were the only others which would be readily suggested in order to complete the list of direct taxes. What conclusion must be reached by the unbiased student upon a study of these cases, in which the most august court of the world have soberly pronounced these various taxes to be indirect in the constitutional sense? In the ordinary language of the legal profession, it might be answered, that these cases disclose the fact that the phrase "direct tax" was used by the framers of the Constitution in a peculiar and special sense, and was not intended to include all the taxes which political economists describe as direct. But the only practical explanation of this unbroken line of decisions, is that the requirement of the United States Constitution, that direct taxes shall be apportioned according to the population of the States, was dictated by the advocates of State sovereignty; that it was found to be an impracticable regulation, and a serious interference with the reasonable taxing power of the national government; that the particularistic demand for this limitation upon the taxing power was greatly overestimated by the members of the constitutional convention; that since the popular demand for a tax on carriages, on the revenues of insurance companies, on circulation of State banks, on inheritances and on income, was immeasurably greater than the demand or sense of necessity for the enforcement of the constitutional requirement of apportionment of direct taxes according to population, the Supreme Court of the United States followed the line of least resistance, and declared that these several taxes were not direct in the constitutional sense. A line of judicial precedents was thus established, which would have been

* Veazie Bank v. Fenno, 8 Wall. 533.
† Schooley v. Rew, 23 Wall. 311.
‡ Springer v. United States, 102 U. S. 587.

followed in the present income tax cases by a large majority of the court, if not by all the judges, leading them to pronounce the present income tax law to be constitutional—if it had not been for the immense popular opposition which certain features of the law, and the political and social origin of the demand for the law, had aroused.

The facts that the political party, which has strong socialistic leanings, required its enactment, as a condition precedent to a reformation of the tariff that the law discriminated against the rich and in favor of the poor by exempting all incomes less than $4000, that the capitalistic classes consider this income tax law to be the first of many proposed attacks upon their vested interests,—these facts and others generated an intense opposition to the enforcement of the law. The income tax law was opposed by a very powerful minority, and its influence was more or less accurately, and I may possibly add justly, displayed by a nearly equal division of the Supreme Court in their decision of the question as to the constitutionality of the law. The learned judges, who have declared the income tax law to be altogether unconstitutional, were impelled to this conclusion, not so much because they believed that an income tax was a direct tax, which was required by the United States Constitution to be apportioned according to the population of the States, but because they were not impressed with the soundness of Mr. Carter's able arguments in favor of the economic value and justice of the income tax law. The required obedience to the written word of the Constitution necessitated the assignment of this strictly legal reason for their departure from the line of decisions to the contrary, and for ignoring the force of *stare decisis*; but the real explanation of their judicial attitude is their profound disbelief in the economic merits of the income tax law.

We have, therefore, on the one hand, a large body of the people, if not a majority, in favor of the income tax on its merits, reinforced by a considerable body of men who are

opposed to tying the hands of the national government by the judicial declaration, that no direct tax can be laid which is not apportioned according to the population of the States; and on the other hand, a strong and powerful body who are opposed to the income tax law because they believe it to be wrong in principle, and look upon it as the first move in the future contest between Individualism and Socialism. The result is a divided court, portraying the contentions that are now being worked out by the forces of society; somewhat obscured by the legal fiction, that we must obey the commands and follow the ideas of economic and political propriety which were entertained by the distinguished men, long since dead, who composed the Constitutional Convention of 1787, and who could not possibly have known in detail what would be the economic and political needs of the American people at the close of the nineteenth century.

The American people are not, and should not be, ruled by the commands of dead men, however distinguished they may be, and however much they and their political wisdom challenge and deserve our veneration. In so far as their ideas of political wisdom are embodied in the written word of the Constitution, public opinion now requires them to be generally followed and obeyed by the courts and legislatures, and to that extent do the courts recognize the constitutional limitations upon the powers of the different branches of the government. But when the written word of the Constitution hampers the actions of the government in a way that public opinion considers so injurious that they require the written word of the Constitution to be ignored, the courts justly obey the popular mandate, at the same time keeping up a show of obedience to the written word by the skillful use of legal fictions.

If this be true then it may be justly asked, what becomes of the boasted excellence of a written over an unwritten Constitution? The answer is to be found in the felicitous expression of James Russell Lowell, in his address on

Democracy, that the written Constitution is only a check "upon the people's whim, not of their will."

As I have said elsewhere:* "with this limitation, extensive as it is, the written Constitution serves a most beneficent purpose. If one professes any faith at all in popular government, he must confess to a desire that the popular will shall prevail, and that the danger to the commonwealth lies not in the people's will, but in their whims and ill-considered wishes. And even if the student does not have any faith in popular government, he must admit that, with an enlightened and spirited people, who know their strength, and who know that the living power in all municipal law proceeds from them, it is an absolute impossibility to suppress the popular will."

The courts, in the exercise of their remarkable power to declare an act of Congress to be void because it is in contravention of some provision of the Constitution, serve as a balance-wheel of the governmental machine, giving to vested rights and conservatism a reasonable opportunity to retard, but not to completely thwart, the progress of the nation.

CHRISTOPHER G. TIEDEMAN.
University of the City of New York.

* "Unwritten Constitution of the United States," p. 164.

BRIEFER COMMUNICATIONS.

THE FORMULATION OF GRESHAM'S LAW.

The monetary law which MacLeod named after Sir Thomas Gresham, its English enunciator, is, of course, well understood, and has been thoroughly worked out. Perhaps there is no better presentation of the various cases of the law's operation than that given by Gide in his "Political Economy."* At the same time the formulation of the law itself seems to have attracted too little attention. I shall venture, therefore, to criticise one or two typical statements of the law, and, thereafter, to offer what I consider an improved statement thereof.

The commonest formula is this: "Bad money drives out good money, but good money can not drive out bad money."† Even Gide, who is so explicit in regard to the various cases of the law's action, puts it thus: "In every country where two legal moneys are in circulation, the bad money always drives out the good." General Walker has criticised this phrasing of the law and has amended it. First citing the current statement that "bad money always drives out good money," he remarks: "Thus boldly stated, as in most treatises it is, the theorem is false. That effect will not be produced unless the body of money thus composed of heavy and light coins, is itself in excess of the needs of the community, as determined by the law of the territorial distribution of money, which has been stated and illustrated."‡

General Walker's criticism is in point, but his proposed amendment is, in my judgment, defective: first, because by implication the law's operation is restricted to a circulation exclusively metallic; and second, because the law, which is invoked, of the international distribution of money does not adequately cover all cases of the operation of Gresham's law. The first objection urged against General Walker's statement rests, it is true, largely upon verbal grounds. Undoubtedly a careful reader of economics would argue analogically that a currency consisting partly of coin and partly of paper surrogates would obey the same law as a metal currency, and that under the necessary conditions, paper money will be the "bad money" and drive the better out of circulation. But it is dangerous to assume that the ordinary undergraduate has the analogical judgment highly developed. The positive genius sometimes displayed in *mis*-understanding a plain statement precludes one from assuming in the average reader much capacity for discrimination in the interpretation of economic laws.

* Pp. 194–198, Jacobsen's translation.
† Laughlin, "Elements of Political Economy," p. 166.
‡ Walker, "Political Economy," Briefer Course, p. 113.

The second objection to General Walker's statement is based on the fact that Gresham's law may operate irrespective of movements of specie and bullion in foreign trade. Suppose an absolutely isolated economic community, with a joint metallic circulation, and with constant additions being made to the stock of one of the money metals. Ultimately the undervalued money will disappear from circulation. So that the proposed addendum, to wit, "as determined by the law of the territorial distribution of money" is not an adequate limitation or explanation of the shorter but misleading statement that bad money always drives out good. The formulation of the law given in an old pamphlet cited by MacLeod* is much more cautious and, on the whole, nearer the truth. It runs thus: "When two sorts of coin are current in the same nation, of like value by denomination but not intrinsically, that which has the least value will be current and the other, as much as possible, hoarded."

The dogmatic formulation, however, which seems to me the best, and which I offer in order to avoid the difficulties attaching to the shorter but sometimes misleading statement of the theorem, runs as follows:

When any element in the joint circulating medium of a country can be more advantageously employed in a non-monetary use, that element tends, in whole or part, to disappear from the domestic circulation.

Thus phrased, the paradox of bad money's driving out good money (which is not always true) disappears. Instead of seeming a monetary mystery the truth is seen to be so simple that it seems almost a truism. Thus put, it is as true for an isolated economic community as for a nation engaged in international trade. And, lastly, the real cause of the phenomenon comes to view in the increased utility of employing the erstwhile money to serve as a hard, as raw material in the arts, or a means of liquidating foreign indebtedness.

WINTHROP M. DANIELS.

Princeton College.

VACATION COURSES IN POLITICS AND ECONOMICS AT BERLIN.†

SIR:—In answer to your favor of the 27th ult., I have the honor to reply as follows:

For many years past, various church associations—the Catholics took the initiative in the Rhine province—have carried on, under

* "Elements of Economics," Vol. i, p. 271.

† The fact that a Vacation Course in Politics and Economics is to be given at the University of Berlin during the first two weeks of October, 1895, was noted in the last number of the ANNALS (July, 1895, p. 163). The above communication was received in answer to an inquiry as to the history of the movement which led to the establishment of these courses.

their auspices, politico-social courses for the general public. In the autumn of 1893, the Evangelical Social Congress made a similar attempt here in Berlin on a larger scale. This Congress is an association of all the Protestant church parties, so far as they are interested in politico-social subjects. It includes members of the Extreme Right and of ecclesiastical orthodoxy, like the Court preacher, Dr. Stöcker, as well as very liberal theologians, extending even to those who stand very near to socialism, like the Rev. Mr. Naumann, of Frankfort-on-the-Main. The Evangelical Social Congress obtained the services of Wagner, Stieda, Elster, Weber, Rathgen, Kulemann and Oldenberg for its courses in the year 1893; each one of these gentlemen giving from four to six lectures on some politico-social subject. The success of the scheme was very pronounced. The audience was composed of about one hundred Protestant clergymen.

Besides this, it has been usual in the German universities for the past ten years or more, that courses extending over one or two weeks should be held for older people in vacation time. Thus, courses for physicians and farmers have been regularly held with marked success.

These circumstances suggested to me the idea of establishing a two weeks' vacation course on social politics, through the instrumentality of the Association for Social Politics (*Verein für Socialpolitik*). I came to an understanding with the chairman of the Evangelical Social Congress, who approved of the plan that the Association for Social Politics should take up the matter, recognizing that it would be much more certain to secure the co-operation of the leading political economists in Germany. The Catholics, moreover, who had not attended the courses established by the Evangelical Social Congress, could be counted upon by the Association for Social Politics, as naturally as the Protestants.

I entered into negotiations with such gentlemen as seemed to me the most suitable, and we laid the matter before the Executive Committee of the Association for Social Politics, who approved the project in their session of March, 1895. There is no printed report of these proceedings, as the minutes of our committee meetings are not published.

In case the plan succeeds in Berlin in the autumn, we propose to repeat the courses in other places, and if possible to make them accessible to larger circles, by reducing the admission fee. We shall count more upon the educated classes than upon the workmen for our audiences next fall. The largest lecture-room of the university which we shall use, does not hold more than from six to eight hundred persons. We expect that the audience will consist chiefly of clergymen, the younger officials and journalists. The fee of twenty-five

marks for the twelve courses of six lectures each, although not very high, would of itself exclude most of the laboring classes. Nor would it be possible for workingmen to attend the courses which we give between nine o'clock in the morning and six in the afternoon. Evening courses are the only ones available for them. It was, on the other hand, necessary, if we desired to secure the political economists from different parts of Germany, to compress the courses within as brief a period of time as possible. This necessitates six lectures a day.

GUSTAV SCHMOLLER.

University of Berlin, July 13, 1895.

THE LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE.

No more interesting or significant event has taken place for some time in the sphere of economic and political education than the recent establishment of the London School of Economics and Political Science, which will begin work in October, 1895. The opportunities in England for economic and political study, except along purely historical lines, have been, until within a very recent period, extremely meagre and unsatisfactory. Indeed, if one may believe the testimony of English scholars and educators, this condition of things still continues.

It is remarkable that in a great centre of population like London, there have been offered almost no facilities for the systematic, long-continued and detailed study of even the subjects relating to modern industry in the narrower sense of that term; nothing corresponding to the work offered at the University in Berlin and the other educational institutions of that city; nothing even that can bear comparison with the lecture courses in the University of Paris, to say nothing of those in the Free School of Political Science in that city. Even the great cities of the New World—New York, Philadelphia and Chicago—offer in the School of Political Science of Columbia College, the Wharton School of Finance and Economy of the University of Pennsylvania, and the University of Chicago, more comprehensive and more systematic opportunities for work than London.

The writer had occasion a decade ago to outline a plan for a school of social and political science, and it is a source of satisfaction to note that some of the features, mentioned at that time as desirable, although scarcely attainable within any near period either at home or abroad, are to be incorporated in this new school.*

* Cf. "An Outline of a Proposed School of Political and Social Science." By Edmund J. James. Pp. 26. Publications of the Philadelphia Social Science Association. 1885.

The establishment of such a special school for the study of economics and politics in London, has a significance, not merely for that city or even for England alone, but for the world. The influence which a properly equipped school, devoted to these subjects, might exert throughout the world, from London as a centre, is absolutely incalculable, and the only wonder is that we have had to wait so long for its establishment.

In the preliminary announcement, which has just appeared, it is stated, that the growing importance of social and economic subjects has drawn attention to the need of further provision for systematic training in economic and political science, and the promotion of original investigation and research. While great success has followed the organization of economic and political studies in certain foreign universities, no similar provision has been made for these subjects in the United Kingdom, and it is now proposed to remedy this deficiency by the establishment of this school.

The London School for which an anonymous benefactor provides the funds starts with the cordial co-operation of the leading economists and students of political science in the United Kingdom, and with the support of the Society of Arts and, on its commercial side, of the London Chamber of Commerce. It is organized to meet the needs of different classes of students. In the lectures on higher commercial subjects, which will be given under the auspices of the London Chamber of Commerce, and the classes in connection with them, students will be able to acquire that wider knowledge of modern commercial conditions which is every day becoming more necessary for the successful conduct of business.* Those students who have already, by means of University Extension lectures or otherwise, gained some acquaintance with economic or political science, will be able to pursue their studies under the direction of experts, and the advanced courses will supply that scientific training which is likely in the future to become essential as a qualification for the Civil Service, municipal employment, journalism or public work.

While much attention will be given to the study of economics and political theory, the special aim of the school will be, from the first, the study and investigation of the concrete facts of industrial life, and the actual working of economic and political relations as they exist or have existed in the United Kingdom and in foreign countries. With this object in view, the school will provide scientific training in

*The London Chamber of Commerce has already taken the initiative in promoting a sounder system of commercial education in England. Cf. "Education of Business Men in Europe." A Report made to the American Bankers' Association. By Edmund J. James. Pp. 232. New York, 1893.

methods of investigation and research, and will afford facilities to British and foreign students to undertake special studies of industrial life and original work in economics and political science. It is hoped that the school may become, as far as possible, a centre from which the available sources of information on these subjects may be made known.

The work of the school will take the following forms:

1. Public lectures, and classes in connection with them, on the following subjects: Economics (including Economic Theory and Economic History), Statistics, Commerce, Commercial Geography, Commercial History, Commercial and Industrial Law, Banking and Currency, Finance and Taxation, and Political Science.
2. Special classes, arranged as a three years' course of study, concluding with a research course.
3. The promotion, by means of scholarships or otherwise of original research.
4. The publication of books containing the results of researches in economic and political subjects conducted by the teachers of the school or under their direction.
5. The collection of a library for the use of the students of the school, consisting of books, reports and documents illustrative of Economic and Political History and Theory.
6. The organization of an "information department," to assist British students and foreigners visiting England for the purpose of investigation.

It is not proposed to prepare students especially for any examination, but the lectures and classes already arranged will be found useful to candidates for the following public examinations among others, viz., Civil Service (Class I and Indian), Council of Legal Education, Institute of Bankers, Institute of Actuaries, London University (Mental and Moral Science), London Chamber of Commerce (Commercial Education).

The lecture courses of the school, which will be open to the general public as well as to the members of the school, will usually be given in the evening between the hours of six and nine. The classes will be held both in the daytime and in the evening; but it will not be necessary for students to attend both day and evening classes. Women will be admitted on the same terms as men.

The school year, commencing on October 10, will be divided into three terms: October to December, January to March, April to July; the first two terms embracing ten weeks each, the third or summer term from twelve to fourteen weeks, with a short vacation at

Whitsuntide. The lecture courses will be given only in the first and second terms; but classes will be held continuously throughout the school year, vacations excepted.

The fees have been fixed at a very moderate figure, being three pounds for a ticket admitting to all the lectures and classes; 15*s.* for one course of twenty lectures extending over two terms, including the classes in connection with them; and, 5*s.* for the shorter courses of lectures.

Mr. W. A. S. Hewins, M. A., of Pembroke College, Oxford, well known as a scholar and instructor in these subjects, has been secured as Director of the school. The subjects of instruction have been divided into nine groups.

I. *Economics.*—The public lectures in this subject for the first year are to be given by Mr. Hewins and Professor W. Cunningham; Mr. Hewins giving one lecture a week during a period of twenty weeks, and Professor Cunningham giving one lecture a week during a period of three weeks. Three classes will be organized. (*a*) Elementary Course, including the outlines of Economic Theory, Economic History of England and Elementary Statistics. (*b*) Advanced Course, corresponding to the second year, including the History of Economic Theory and critical study of the leading economic writers; or, in the place of these two topics, a detailed study of the Economic History of England in relation to that of foreign countries. (*c*) Final or Research Course, corresponding to the third year, including methods of investigation, authorities and practical work.

[No indication is given as to the number of exercises in these various class courses; it is presumably, however, one exercise a week in each course.]

II. *Statistics.*—In the second group there are no lecture courses, and the class course, corresponding to the second year, will be conducted by Mr. A. L. Bowley, M. A., presumably once a week throughout the year, though no definite statement is made.

III. *Commerce.*—A course of public lectures in Railway Economics is to be given by Mr. W. M. Acworth, M. A. One lecture a week during a period of six weeks.

IV. *Commercial Geography.*—A course of public lectures of one each week during twenty weeks, by Mr. H. J. Mackinder, M. A., followed by a class in connection with the lectures.

V. *Commercial History.*—A course of public lectures on the History of English Commerce. One each week during a

period of twenty weeks, by Mr. W. A. S. Hewins. In connection with this course, a class will also be formed.

VI. *Commercial and Industrial Law.*—A course of public lectures on the Law in Relation to the Exchange and Distribution of Wealth, by Dr. J. E. C. Munro. One lecture a week during a period of twenty weeks.

VII. *Currency and Banking.*—A course of public lectures on the History and Principles of Banking in England, by Professor H. S. Foxwell. One lecture a week during a period of twenty weeks. A second course of six lectures on the Bank of France, by Hon. Geo. Peel, M. A.

VIII. *Taxation and Finance.*—A course of four public lectures on the History of Rating by Mr. Edwin Cannan, followed by a course of six lectures on the Rating Question, by Mr. E. J. Harper.

IX. *Political Science.*—A course of public lectures on the English Constitution since 1832, by Mr. Graham Wallas; also, a second course on the Study of Foreign Constitutions, by the same lecturer, the number of lectures not yet fixed.

A series of classes, corresponding to the first, second and third years of the courses and parallel to those in Economics, will be conducted under the direction of Mr. Graham Wallas and other members of the staff.

The lectures for the first year are all given in the evening, and it will be noted that in no case are two lectures of the same course given in one week.

The scientific and educational character of this undertaking is sufficiently indicated by the names of the men who appear in the list of lecturers. The July number of the *Economic Review* speaks in its editorial department as follows of the lecturing force: "Of the *personnel*, an important factor always, it is difficult to speak too highly. Previous training and study and a reputation gained early in life, point to Mr. Hewins as 'the right man in the right place' as director. His co-operators have been chosen impartially as regards schools of thought and with a single eye to efficiency. Professor Foxwell and Professor Cunningham are known everywhere, not merely as learned men, but as successful teachers. Mr. Cannan brings an almost unique acquaintance with the history of economics and the facts of government, and Mr. Acworth speaks with the knowledge of a German specialist of the economics of railways." It may be added that no superior could easily be found to either Mr. Wallas or Mr. Mackinder in their respective specialties.

Ample evidence is afforded in this announcement, of the influence

which the University Extension movement has already begun to exercise upon the course of English instruction. Several of the instructors have done most acceptable work as University Extension lecturers, and the general organization of the scheme of training reminds one of University Extension methods.

Such an institution as this would perform a most useful function in each one of the great cities of the world. The colleges and universities, even where they have such departments as mentioned above, answer the wants only of the regular university students. A school like this can serve the needs of that class—fortunately for modern civilization a rapidly increasing one—whose members are hungering and thirsting after accurate and detailed knowledge of our social, political and industrial problems; though from advanced age or lack of previous opportunities, or business necessities, they cannot avail themselves of the facilities organized and adapted for regular college students. Will not the philanthropists of other countries follow the example of the London anonymous benefactor, and do, each for his own city, what the former has done for the English metropolis?

Additional information in regard to the London undertaking, is given in the appended letter of the director, written in answer to a request for further facts about the school and its aims.

EDMUND J. JAMES.

To the Academy:—

There are several points which ought not to be lost sight of in considering the school.

The form which the work of the school will assume is necessarily determined by the peculiar conditions with regard to economic teaching which prevail in England. There is here no "career" for the man who devotes himself to economics; or, at any rate, such a career is only for the few favored people who obtain the small number of professorships and lectureships. Then, the requirements in our examinations, in the universities, in the Civil Service, etc., are so meagre that we cannot look to this agency to provide us with students. We are, in fact, forced to rely upon that wide-spread and growing public interest in social and economic questions which is one of the most striking features of English life at the present time. Hence we must (1) deal as far as possible with the concrete questions on which people desire guidance, and train them so that they may be able to form decisions with regard to them; (2) insist on economics and political science as the most important part of the citizen's education, and show how public work will gain in efficiency by such studies; (3) deliver the lectures and do much of our work in the evening, because we

shall draw most of our students from those classes which are engaged during the day; (4) admit the public to the courses of lectures, as distinct from the classes.

From those attending the lectures, we shall no doubt draw a large number of students who will undertake a long course of study. It is difficult to give an estimate of the number; but from my experience of lecturing for University Extension, I am convinced that if London is well "worked," we ought in time to have 2000 students, full members of the school, who will be engaged in the systematic and continuous class work.

We, therefore, regard the public courses of lectures first, as valuable in themselves, in that they supply information to the students which they could only obtain otherwise with great difficulty; second, as a means of stimulating interest in the more systematic work of the school, and supplying us with many of our regular students.

But it is to the special classes that we look for the most valuable results. In them, we propose to give a three years' course of training. In the class work, the relations between students and lecturer will be close and continuous. The number attending any class at one time will be strictly limited, so that the lecturer may cultivate the most intimate relations with his pupils, and become thoroughly acquainted with their needs. So that if many students join a class, they will be divided into several groups. The class work will extend over from thirty-two to thirty-four weeks per annum.

We hope to make the third or summer session (April to July), as complete as possible in itself, and we shall be very glad if American students avail themselves of it. In the "Research Department," we shall arrange special class-lectures during that session on "Authorities," etc., for different branches of English Economic History and present day questions. Such students also will have the advantage of the "Information Department," which we intend to organize, and in which we shall be able to give very valuable help to those who come to England to investigate.

W. A. S. HEWINS.

Pembroke College, Oxford.
July 12, 1895.

PERSONAL NOTES.

AMERICA.

Brown University.—Dr. James Quayle Dealey has been advanced to Assistant Professor of Political and Social Science at Brown University. He was born at Manchester, England, August 13, 1861, and came to America in 1870. He attended Cook Academy at Havana, N. Y., and entered Brown University in 1886. In 1890 he graduated with the degree of A. B. For the next five years he pursued post graduate study at Brown, first (1890–93) *in absentia* and then (1893–95) at the university. In 1893 he received the degree of A. M., and in 1895 the degree of Ph. D.,* from his *alma mater*. During the year 1890–91 Dr. Dealey was Professor of Ancient and Modern Languages at Denton Normal College, Denton, Texas. From 1891 to 1893 he was Professor of Latin and German at Vermont Academy, Saxton's River, Vt., and during the past year he was Instructor in Latin in Brown University.

Columbia.—Dr. James Harvey Robinson,† Associate Editor of the ANNALS, has been elected Professor of History in the graduate department of Columbia College, New York. In 1892 Dr. Robinson became Associate Professor of History at the University of Pennsylvania, and was one of the Conference on History which reported to the Committee of Ten of the National Education Association. In connection with his colleagues in the historical department of the University of Pennsylvania he inaugurated the useful series of Translations and Reprints from the Original Sources of European History, now in its second volume, and of which he edited several issues. He has also recently published:

"*Sidgwick's 'Elements of Politics.'*" ANNALS, September, 1892.

"*The Study of European History.*" Two papers. University Extension, 1892–93.

"*Should the Sources Be Used in Teaching History?*" Proceedings of the Association of Colleges in Middle States and Maryland, 1894.

"*The Tennis Court Oath—The Idea of a Constitution in France Before the Revolution.*" Proceedings of the American Historical Association, 1894, and in an expanded form in the Political Science Quarterly, September, 1895.

* See below, p. 105.

† See ANNALS, Vol. ii, p. 367, November, 1891.

Cornell.—Dr. Charles J. Bullock has been elected Instructor in Economics for the year 1895–96 at Cornell University. He was born May 21, 1869, at Boston, and received his early education in the public schools of Wellesley, Mass. In 1885 he entered Boston University, where, in 1889, he received the degree of A. B. He taught the classics in high schools 1889–91, and in the latter year became principal of the Middlebury High School, Middlebury, Vt. In 1893 he was appointed Jacob Sleeper Fellow of the Boston University, and spent the year 1893–94 at the University of Wisconsin in post-graduate studies. In the following year he was Fellow and Instructor in Economics in the latter institution, where he received, June 20, 1895,* the degree of Ph. D. Dr. Bullock is author of the following papers:

"*Industrial Training from an Economic Point of View.*" Education, June, 1890.

"*Political Economy in the Secondary School.*" Education, May, 1891.

"*The Finances of the United States from 1775 to 1789, with Especial Reference to the Budget.*" Pp. viii and 158. Bulletin of the University of Wisconsin, Vol. I, No. 2. June, 1895.

Johns Hopkins University.—Dr. Jacob H. Hollander† has been advanced to Instructor in Economics at Johns Hopkins. He has written:

"*Professor Clark's Use of the Terms Rent and Profits.*" ANNALS, November, 1894.

"*The Concept of Marginal Rent.*" Quarterly Journal of Economics, January, 1895.

Dr. Sidney Sherwood‡ has been promoted to the position of Associate Professor of Political Economy at Johns Hopkins. He has recently written:

"*The History and Theory of Money.*" Pp. 413. Philadelphia, 1893.

"*University of the State of New York; Origin, History and Present Organization.*" Albany, 1893.

"*Historical Sketch of the American Bankers' Association.*" Proceedings of the Association for 1893.

"*The Nature and Mechanism of Credit.*" Quarterly Journal of Economics, January, 1894.

"*University Extension as a Means of Research.*" University Extension, March, 1894.

Dr. John Martin Vincent has been advanced to the position of Associate Professor of History at Johns Hopkins. Professor Vincent

* See below, p. 106.

† See ANNALS, Vol. v, p. 277, September, 1894.

‡ See ANNALS, Vol. ii, p. 843, May, 1892.

was born at Elyria, Lorain County, O., on October 11, 1857, and in his youth attended the public schools of his native town. He then studied at Oberlin and Amherst Colleges, leaving college, however, before graduation on account of ill-health. He went abroad in 1881 and studied for two years at Leipzig and Berlin. Upon his return in 1883, he received the degree of A. B. from Oberlin and five years later the degree of A. M. In 1886 he commenced post-graduate work at Johns Hopkins, continuing until 1890, when he received the degree of Ph. D.* From 1887 to 1891 Dr. Vincent was Librarian of the Department of History and Politics, and Instructor in History at Johns Hopkins. The year 1891–92 he spent in travel and research abroad. In 1892 he was recalled to Johns Hopkins to become Associate in History.

Professor Vincent is a member of the American Historical Association, the Institut internationale de Sociologie, the American Proportional Representation League and the American Academy of Political and Social Science. He has written:

"*A Western Ambassador at Constantinople.*" Overland Monthly, April, 1888.

"*A Study in Swiss History.*" Papers American Historical Association, Vol. III, p. 146.

"*State and Federal Government in Switzerland.*" Pp. 248. Johns Hopkins Series, 1891.

"*Switzerland, 1291–1891.*" Nation, Vol. LIII.

"*Politics and History at Vienna.*" Nation, Vol. LIII.

"*Constitutional Revision in Belgium.*" Nation, Vol. LIV.

"*Le Mouvement social aux Etats-Unis.*" Revue internationale de Sociologie, November, 1893.

"*Literature of American History.*" Papers American Historical Association, 1893.

From 1888 to 1892 Dr. Vincent contributed "Reports on the Literature of American History" to the *Jahrsbericht der Geschichtswissenschaft.*

Massachusetts Institute of Technology.—Dr. Wm. Z. Ripley† has been advanced to the position of Assistant Professor of Sociology and Economics at the Massachusetts Institute of Technology. During the past year, Dr. Ripley lectured on "The Evolution of Custom" at Hartford School of Sociology, and will repeat this course during the coming year, giving also a course on "The History of the Family." He has recently contributed to the *Engineering Magazine* and to the Boston *Herald* a series of articles on "*Technical Education*" and "*The*

* See ANNALS, Vol. i., p. 295. September, 1890.
† See ANNALS, Vol. iv., p. 461, November, 1893.

Massachusetts Institute of Technology." In addition to these he has written:

"*Our Antiquated Tax System.*" Springfield Republican, November, 26, 1893.

"*New England's Supremacy in Cotton Manufactures.*" New York Evening Post, March 30, 1895.

Meadville Theological Seminary.—Rev. Nicholas Paine Gilman has been appointed Hackley Professor of Sociology in the Meadville Theological Seminary at Meadville, Pa. This is one of the first theological schools in the country to have a fully endowed professorship in sociology. Professor Gilman was born at Quincy, Ills., on December 21, 1849. His early education was obtained at public schools and in private academies in Maine and New Hampshire. In 1868 he entered the Harvard Divinity School at Cambridge, and graduated in 1871. For seven years he was pastor of various Unitarian churches in Massachusetts. In 1878 he was appointed preacher and professor in Antioch College, Yellow Springs, O., where he remained until 1881. In 1888, Mr. Gilman was appointed editor of the Boston *Literary World*, a position which he has just resigned. Since 1892 he has been editor of the *New World*, and of *Employer and Employed*. Professor Gilman is a member of the Council of the American Economic Association.

Besides various articles in the *Unitarian Review*, the *Forum*, the *New England Magazine*, and the *New World*, he has written:

"*Profit Sharing Between Employer and Employee.*" Pp. 460. Boston.

"*The Laws of Daily Conduct.*" Pp. 149. Boston.

"*Socialism and the American Spirit.*" Pp. 376. Boston.

University of Michigan.—Dr. Charles Horton Cooley has been advanced to the position of Instructor in Sociology at the University of Michigan. Mr. Cooley was born at Ann Arbor, Mich., on August 17, 1864. His early education was obtained at the public schools of that city. In 1880 he entered the University of Michigan, but left college to travel abroad. Coming back he graduated in 1887 with the degree of A. B. He remained a year longer to complete his course in mechanical engineering. During the remainder of 1888 Mr. Cooley was a mechanical draughtsman at Bay City, Mich. In 1889 he was employed by the Interstate Commerce Commission to investigate the federal regulation of safety appliances on railroads. He then became special agent of the United States Census on Street Railways, and later chief of the transportation division. In September, 1891, Mr. Cooley resigned this post and spent six months in Italy. In 1892 he

returned to Ann Arbor to engage in post-graduate study, and in 1894 received the degree of Ph. D.* For the past three years he has been Assistant in Political Economy at that University.

Dr. Cooley is a member of the Council of the American Economic Association and Treasurer of the Michigan Political Science Association. He has written:

"*Federal Regulation of Safety Appliances.*" Railroad Gazette, April, 1889.

"*Federal Regulation of Safety Appliances,*" in the Third Annual Report of the Interstate Commerce Commission, 1889.

"*The Sociology of the Street Railway.*" Railroad Gazette, November, 1890.

"*Relative Economy of Animal, Cable and Electric Motive Powers for Street Railways.*" United States Census Bulletin, No. 55. Pp. 17. 1891.

"*Street Railway Transportation.*" A monograph of the Eleventh Census. Pp. 195. 1892.

"*Observations on the Measure of Change.*" Publications of the American Statistical Association, March and June, 1893.

"*Transportation*" (with Thomas M. Cooley), a chapter in Vol. II of Shaler's "The United States."

"*The Theory of Transportation.*" Publications of the American Economic Association. Pp. 148. May, 1894.

"*Competition and Organization.*" Publications of the Michigan Political Science Association, No. 3, December, 1894.

University of Missouri.—Mr. Isidor Loeb has been appointed Assistant Professor of History at the State University of Missouri at Columbia. Mr. Loeb was born at Roanoke, Howard County, Mo., on November 5, 1868. He attended various private schools at Columbia and entered in 1881 the University of Missouri. He graduated in 1887 with the degree of B. S. The four years following he was engaged in business. In 1891 he returned to the University, remaining two years and received in 1893 the degrees of M. S. and LL. B. From 1892 to 1894 Mr. Loeb was Tutor in History at the University of Missouri. During the past year he held a University Fellowship in Jurisprudence † at Columbia College.

Professor Loeb is a member of the American Economic Association, the American Jewish Historical Society and the Political Science Association of the Central States. He has written:

"*The Doctrine of Election in Equity.*" Central Law Journal, Vol. XXXVIII, No. 2.

* See ANNALS, Vol. v, p. 283, September, 1894.

† See ANNALS, Vol. v, p. 284, September, 1894.

University of Montana.—Dr. Oscar J. Craig, formerly Professor of Political Economy and History at Purdue University, has been elected President of the University of Montana. Professor Craig was born near Madison, Jefferson County, Ind., on April 18, 1846, and in his youth attended the district schools of his native township. In 1881 he graduated from De Pauw University with the degree of A. B. Three years later he received the degree of A. M. from De Pauw. From the University of Wooster he received the degree of Ph. D. From 1880 to 1883 Professor Craig was Superintendent of City Schools at Sullivan, Ind., and for the ensuing four years Principal of the Preparatory Department of Purdue University. Since 1887 he has been Professor of Political Economy and History.

He is a member of the Indiana Academy of Science, the Indiana Historical Society and the Political Science Association of the Central States. He has written:

"*The Bible in the XIX. Century.*

"*Ouiatenon.*" Indiana Historical Series.

"*The Ancient History of America*" Indiana School Journal. Also a series of six articles in the *Statesman* on "*The Federal Government.*"

University of Nebraska.—Mr. W. G. L. Taylor* has been advanced from Adjunct to Associate Professor in Political and Economic Science at the Nebraska University. He has recently written:

"*Distributive Justice.*" Nebraska Literary Magazine, May, 1895.

Ohio University.—Mr. Brewster Owen Higley has been advanced to the position of Associate Professor in Political Economy and History at Ohio University, Athens, O. Mr. Higley was born at Rutland, Meigs County, O., on January 24, 1859. He obtained his early education at the local public schools. In 1887 he entered Ohio University and graduated in 1892 with the degree of Ph. B. During 1890–91 he taught in the public schools. In 1892 Mr. Higley was appointed Instructor in United States History, Civil Government and Political Economy at Ohio University.

University of the Pacific.—Dr. Rockwell Dennis Hunt has been appointed Professor of History and Political Science in the University of the Pacific. Mr. Hunt was born February 3, 1868, at Sacramento, Cal. He obtained his early education at the public schools of Napa City, Cal., and at the Napa Collegiate Institute. In 1886 he entered Napa College and graduated in 1890 with the degree of Ph. B. He continued his studies after graduation, first at Napa College (1890–92) and then at Johns Hopkins (1893–95). In 1892 he received the degree of A. M. from Napa College, and in 1895 the degree of Ph. D. from

* See ANNALS, Vol. v, p. 279, September, 1894.

Johns Hopkins.* During 1891–92 Dr. Hunt was Professor of History, and during 1892–93 was Professor of History and Elocution at his *alma mater*.

Professor Hunt is a member of the American Economic Association. He has written:

"*Province of Elocution in Oratory.*" Proceedings of Second Annual Meeting of National Association of Elocutionists, 1893.

"*California's Name.*" Sacramento Record-Union, March 24, 1894.

"*Genesis of California's First Constitution, 1846–49.*" Pp. 59. Johns Hopkins University Studies. Thirteenth Series, No. 8, August, 1895.

Princeton.—Dr. Winthrop M. Daniels† has been advanced to the position of Professor of Political Economy at Princeton.

His recent writings are:

"*A History of the United States, by Alexander Johnston: Revised Edition with supplementary chapters on the last two Administrations,*" New York, 1894.

"*The Popular Character of the National Banks,*" Bankers' Magazine, January, 1895.

"*How much has the Country Lost by the Low Prices of Products,*" Ibid., February, 1895.

"*U. S. Imports and Exports of Leading Articles of Commerce for Four Years,*" Ibid., March, 1895.

"*A Lesson from England's Banking Legislation,*" Ibid., May, 1895.

Professor Woodrow Wilson's‡ chair at Princeton has been changed to Professor of Jurisprudence. Dr. Wilson has recently written:

"*Division and Reunion, 1829–1889,*" in series of *Epochs of American History*, published by Longmans, Green & Co. Pp. 299. 1893.

"*An Old Master and Other Political Essays.*" Pp. 181. New York, 1893.

"*The English Constitution.*" Four Parts. The Chautauquan, October, 1890, to January, 1891.

"*The Author Himself.*" Atlantic Monthly, September, 1891.

"*Mr. Cleveland's Cabinet.*" Review of Reviews, April, 1893.

"*Mere Literature.*" Atlantic Monthly, December, 1893.

"*Review of Goldwin Smith's Political History of the United States.*" The Forum, December, 1893.

* See below, p. 106.

† See ANNALS, Vol. iii, p. 373, November, 1892.

‡ See ANNALS, Vol. i, p. 138. July, 1890.

"*A Calendar of Great Americans.*" The Forum, February, 1894.

"*University Training and Citizenship.*" The Forum, September, 1894.

"*The Proper Perspective of American History.*" The Forum, July, 1895.

"*On the Writing of History.*" The Century Magazine, September, 1895.

Mr. Walter Augustus Wyckoff has been appointed Lecturer in Sociology at Princeton. Mr. Wyckoff was born on April 12, 1865, at Mainpuree, North West Provinces, India. His early education was obtained at various English private schools, the Hudson Academy, Hudson, N. Y., and the Freehold Institute, Freehold, N. J. He then entered the College of New Jersey at Princeton, graduating in 1888, with the degree of A. B. From July, 1891, to February, 1893, he was engaged in the study of the wage earning classes in many sections of America. The results of this investigation he expects shortly to publish. The period from March, 1893, until November, 1894, he devoted to travel, going twice around the world. During the past year Mr. Wyckoff has been University Fellow in Social Science at Princeton.

Purdue University.—Dr. Thomas Francis Moran has been appointed Professor of History and Political Economy at Purdue University, La Fayette, Ind. Professor Moran was born January 9, 1866, at Columbia, Mich. In 1883 he graduated from the Manchester (Mich.) High School, and then entered the University of Michigan. He graduated from the university in 1887 with the degree of A. B. For the ensuing five years Mr. Moran was Superintendent of Public Schools at Elk River, Minn., and during the second half of the year 1892–93 Professor of History and Civics at the Minnesota State Normal School at St. Cloud. He entered in 1892 the Johns Hopkins University to pursue post-graduate work and remained there until 1895 with the exception of the few months he was at St. Cloud. During the year past he held a fellowship in history,* and last July he received the degree of Ph. D.† Professor Moran has written :

"*The Gothenburg System of Regulating the Liquor Traffic.*" Charities Review, April, 1894.

"*The Rise and Development of the Bicameral System in America.*" Pp. 55. Johns Hopkins University Studies, May, 1895.

"*How Minnesota Became a State.*" Proceedings of the Michigan Historical Society. (In press.)

* See ANNALS, Vol. v, p. 284, September, 1894.

† See below, p. 106.

University of Utah.—Mr. George Quincy Coray has been advanced to the position of Assistant Professor of Economics and Social Science at the University of Utah at Salt Lake City. Professor Coray was born at Provo, Utah, on November 26, 1857, and in his youth attended private schools and the Brigham Young Academy in that town. The year 1878-79 he spent at the University of Deseret. In 1883 he entered Cornell, and graduated in 1886 with the degree of B. S. From 1886 until 1891 he was engaged in journalism, first as editor of the Provo *Enquirer* (1886-87), then telegraph editor of the Ogden *Herald* (1887), then editor of the *Western Weekly* of Salt Lake City (1888-89), then associate editor of the Ogden *Standard* (1889-91), and finally as associate editor of the *Deseret News* of Salt Lake City (1891). In 1891 Mr. Coray was appointed Librarian of the University of Utah, a position he still occupies, and last year he was also Instructor in Political Science.

Wellesley College.—Miss Sarah McLean Hardy has been appointed Instructor in Economics at Wellesley College. Miss Hardy was born in Oakland, Cal., on October 12, 1870. She attended the public schools of her native place, and entered in 1889 the University of California, from which she graduated in 1893, with the degree of Ph. B. The past two years she has held a fellowship * in the Department of Political Economy at the University of Chicago. During the absence abroad of Professor Coman, Miss Hardy will have full charge of the work in economics. She has written:

"*The Quantity of Money and Prices, 1861–1892.*" Chicago Journal of Political Economy, March, 1895.

Wisconsin University.—Mr. Jerome Hall Raymond has been appointed Professor of Sociology at the University of Wisconsin. Mr. Raymond was born at Clinton, Ia., on March 10, 1869. His early education was obtained in the Chicago and Sterling (Ill.) public schools, and at the Northwestern University Academy at Evanston. In 1888 he entered the Northwestern University, but left in June, 1890, to travel and study abroad. Coming back in January, 1892, he graduated that year with the degree of A. B. The following year Mr. Raymond spent mostly at Northwestern, but partly at Johns Hopkins. He was also Secretary for the Chicago Society for University Extension, and Editor of the *University Extension Magazine.* In June he received the degree of A. M. from his *alma mater.* The next year (1893-94) he was Professor of History and Political Science at Lawrence University, Appleton, Wis., studying at the same time at the University of Wisconsin *in absentia.* During the summer of 1894

* See ANNALS, Vol. v, p. 283, September, 1894.

Professor Raymond was Lecturer on Economics at Chautauqua. During the past year he has been studying at the University of Chicago, holding at the same time the positions of Lecturer in Sociology and Secretary of the Class Study Department in the University Extension Division. Besides his chair at Wisconsin, Professor Raymond will also be Secretary of the University Extension Department. He has completed the work required for the degree of Ph. D. at the University of Chicago in sociology and political science and will receive that degree during the coming year.

Professor Raymond is a member of the Wisconsin Academy of Sciences, Arts and Letters, the American Economic Association and the American Academy of Political and Social Science. He has written a series of twelve articles on "*The Labor Movement*," published in the Oshkosh *Northwestern*.

Yale.—Dr. Edward G. Bourne has been elected Professor of History at Yale University. He was born June 24, 1860, at Strykersville, Wyoming County, N. Y. He prepared for college at the Norwich Free Academy, Norwich, Conn., and graduated (A. B.) from Yale in 1883. He pursued post-graduate studies in history at Yale from 1883 to 1888, during a part of this period occupying the position of Instructor of History (January, 1886, to June, 1888) to which was added, later in the year 1886 (September) the function of Lecturer on Political Science. From 1888 to 1890 he occupied the position of Instructor, and from 1890–95 that of Haydn Professor of History in the Adelbert College of Western Reserve University. In 1892 the degree of Ph. D. was conferred on him by Yale University. He was a member of the Conference on History, reporting to the Committee of Ten of the National Education Association. Professor Bourne is a member of the American Academy of Political and Social Science, the American Historical and Statistical Associations. Besides many signed reviews in the *Yale Review*, *Political Science Quarterly*, and other journals, and many unsigned notes and reviews in the *Nation*. He has published:

"*The History of the Surplus Revenue of 1837.*" Pp. 161. New York, 1885.

"*A Word About Silver.*" Cosmopolitan, May, 1886.

"*Walter de Henley.*" The (London) Academy, October 30, 1886.

"*The Origin of the Aryans.*" New Englander, April, 1887.

"*The Etymology of Stamboul.*" American Journal of Philology, Vol. VIII, No. 1.

"*The Recession of Niagara.*" The Nation, March 19, 1891.

"*Bancroft's Life of Van Buren.*" Christian Register, December 17, 1891.

"*The Demarcation Line of Alexander VI.*" Yale Review, May, 1892.

"*The Date of the Globe Called Schöner's Globe of 1523.*" The (London) Athenæum, August 27, 1892.

"*The Naming of America.*" Nation, October 6, 1892.

"*Seneca and the Discovery of America.*" The (London) Academy, February 11, 1893.

"*The Influence of the Discovery of America.*" Independent, October 26, 1893.

"*Alexander Hamilton and Adam Smith.*" Quarterly Journal of Economics, April, 1894.

"*Erasmus and Hrotswitha.*" Modern Language Notes, June, 1894.

"*Prince Henry the Navigator.*" Yale Review, August, 1894.

"*James Anthony Froude.*" Nation, October 25, 1894.

"*Evolution of American Political Parties.*" Public Opinion, January 31, 1895.

Dr. Irving Fisher has been appointed Assistant Professor of Political Economy in Yale University. He was born February 27, 1867, at Saugerties, N. Y. His early education was obtained in public and private schools at Peace Dale, R. I., New Haven and St. Louis, and his collegiate education at Yale University, where he took the degree of A. B. 1888. He remained at Yale for post-graduate study, taking the degree of Ph. D. in 1891, occupying, 1890–91, the position of Instructor of Mathematics. During the years 1891–93 he was Tutor of Mathematics at Yale, and in 1893 he was appointed Assistant Professor. The year 1893–94 he spent at the Universities of Berlin and Paris. In the year 1895 he has been transferred to the Department of Political Economy. Professor Fisher is a member of various learned societies. He translated for the ANNALS the paper of Professor Walras, the "Geometrical Theory of the Determination of Prices," (Vol. III, July, 1892), and furnished it with some valuable notes. He has also published:

"*Mathematical Investigations in the Theory of Value and Prices.*" Transactions Connecticut Academy of Arts and Sciences, 1892, Vol. IX. Pp. 124.

"*The Mechanics of Bimetallism.*" Economic Journal, 1894.

"*Bibliographies of Present Officers of Yale University.*" (Edited) 1893.

IN ACCORDANCE with our custom we give below a list of the students in political and social science and allied subjects on whom the degree

of Doctor of Philosophy was conferred at the close of or during the last academic year.*

Brown University.—James Quayle Dealey, A. B., A. M. Thesis: *History of the Development of the Texan Constitution.*

Chicago University.—John Cummings, A. B., A. M. Thesis: *The Poor Law System of the United States.*

Frederick William Sanders, A. B., A. M. Thesis: *An Exposition in Outline of the Relation of Certain Economic Principles to Social Readjustment.*

James Westfall Thompson, A. B. Thesis: *The Growth of the French Monarchy Under Louis VI.*

Columbia College.—George James Bayles, A. M., LL. B. Thesis: *The Office of Mayor in the United States.*

Roeliff Morton Breckenridge, Ph. B. Thesis: *The Canadian Banking System.*

Ferdinand E. M. Bullowa, A. M. Thesis: *The History of Sovereignty.*

Francis Walker, S. B., A. M. Thesis: *Double Taxation in the United States.*

Cornell University.—Mortimer Alexander Federspiel, Ph. B. Thesis: *The Origin of the Constitution of the United States.*

Clara H. Keer, Ph. B. Thesis: *The Development of the United States Senate.*

Laura Charlotte Sheldon, A. B. Thesis: *The Relation of the French Government to the American Revolution.*

Charles Clinton Swisher, A. B., LL. B. Thesis: *The Causes of the Mexican War.*

Harvard University.—William E. B. DuBois, A. B., A. M. Thesis: *The Suppression of the African Slave Trade in the United States of America.*

Johns Hopkins University.—James Curtis Ballagh, A. B. Thesis: *White Servitude in the Colony of Virginia.*

Arthur Fisher Bentley, A. B. Thesis: *The Units of Investigation in the Social Sciences.*

Charles Sumner Estes, A. B. Thesis: *Christian Missions in China.*

John Haynes, A. B. Thesis: *Risk as an Economic Factor.*

Samuel Rivers Hendren, A. B. Thesis: *The Indians of Colonial Virginia: A Study of their Institutions and Social Culture.*

*See ANNALS, Vol. i, p. 293, for Academic Year, 1889-90; Vol. ii, p. 253, for 1890-91; Vol. iii, p. 241, for 1891-92; Vol. iv, p. 312 and p. 466, for 1892-93; Vol. v, p. 282 and p. 419, for 1893-94.

Rockwell Dennis Hunt, Ph. B. Thesis: *The Genesis of California's First Constitution, 1846–49.*

John Holladay Latané, A. B. Thesis: *The Early Relations between Maryland and Virginia.*

Thomas Francis Moran, A. B. Thesis: *The Rise and Development of the Bicameral System in America.*

John Archer Silver, A. B. Thesis: *The Provisional Government of Maryland.*

Masayoshi Takaki, S. B. Thesis: *The History of Japanese Paper Currency, 1868–90.*

Thaddeus Peter Thomas, B. P. Thesis: *The City Government of Baltimore.*

William Achenbach Wetzel, A. B. Thesis: *Benjamin Franklin as an Economist.*

Lombard University.—John McDuffie, A. B.

University of Michigan.—Frank Haigh Dixon, Ph. B. Thesis: *Railway Legislation in Iowa.*

University of Pennsylvania.—Lewis R. Harley, Ph. B. Thesis: *Our Diplomatic Relations With Great Britain; The Fisheries.*

Joseph S. Motoda, Ph. B. Thesis: *Confucianism.*

Benjamin F. Shambaugh, Ph. B. Thesis: *A Study of the State Constitution of Iowa.*

Washington and Lee University.—William Reynolds Vance, A. M. Thesis: *Slavery in Kentucky.*

Western Reserve University.—Charles Thomas Hickok, A. M. Thesis: *The History of the Colored Race in America.*

University of Wisconsin.—Charles Jesse Bullock, A. B. Thesis: *The Financial History of the United States, 1775 to 1789, with Special Reference to the Budget.*

Edward D. Jones, S. B. Thesis: *Theories of Commercial Crises.*

Orin Grant Libby, L. M. Thesis: *Distribution of the Vote of the Thirteen States on the Ratification of the Federal Constitution.*

University of Wooster.—C. H. McCaslin, A. B., A. M. Thesis: *Parallel between Roman and English Institutions: A Study in Comparative Government.*

J. A. McGee, A. B., A. M. Thesis: *Representative Government and Proportional Representation.*

Yale University.—Winthrop Edwards Dwight, A. B. Thesis: *Railroad Legislation since 1885 in England and the United States.*

Mary Graham, Ph. B. Thesis: *The Relations between Education and Poverty.*

Mary Louise Green, A. B. Thesis: *Church and State in Connecticut to 1818.*

Frank LeRond McVey, A. B. Thesis: *The Populist Movement.*

FOR THE academic year 1895–96, appointments to fellowships and post-graduate scholarships have been made in our leading institutions, as follows:

Bryn Mawr College.—*Fellowship in History*, Eleanor Louisa Lord, A. B., A. M.

University of Chicago.—*Fellowships in History*, James Fosdick Baldwin, A. B., Regina Katherine Crandall, A. B., Walter Scott Davis, A. M., James Walter Fertig, A. M., Ephraim M. Heim, A. B., Harriet Louise McCaskey, A. B., William Rullkoetter, A. B., and Cora Louise Scofield, A. B.; *in Political Economy*, Katherine C. Felton, A. B., Henry Waldgrave Stuart, Ph. B., George Tunell, S. B., Merle B. Waltz, A. B., and Henry Parker Willis, A. B.; *in Political Science*, Carl Evans Boyd, A. B., Ethel Adelia Glover, A. B., Joel Rufus Mosely, S. M., and Edmund Spencer Noyes, A. B.; *in Sociology*, Jacob Dorsey Forrest, A. M., and Paul Monroe, S. B.; *Armour Crane Fellowship in Political Economy*, Robert Franklin Hoxie, Ph. B.; *Graduate Scholarship in History*, Frances Ada Knox, A. B.; *in Political Science*, Thomas F. Wallace.

Columbia College.—*University Fellowships in Administrative Law*, Milo Roy Maltbie, Ph. B., and Delos F. Wilcox, A. B.; *in Comparative Jurisprudence*, J. A. Wright, Ph. B.; *in History*, A. C. Flack, A. B.; *in Political Economy*, S. J. McLean, A. B.; *in Sociology*, F. W. Sanders, A. B. and W. S. Uppard, A. B.

Cornell University.—*Fellowship in American History*, Frank Greene Bates, L. B.; *in European History*, Wilbur C. Abbott, A. B.; *in Political Economy*, William A. Rawles, A. B.; *President White Fellowship in Political and Social Science*, Fred S. Shepherd, A. B.; *Travelling Fellowship in Political Economy*, Adna Ferrin Weber.

Harvard University.—*Thayer Fellowship in Economics*, Howard H. Cook, A. B., A. M.; *in History*, W. H. Siebert, A. B., A. M.; *Toppan Fellowship in Economics*, O. M. W. Sprague, A. B.; *University Fellowship in Economics*, E. H. Warren, A. B.; *in History*, W. Nickelson, A. B., W. J. Whitney, A. B. and A. M. Wolfson, A. B.

Indiana University.—*Fellowship in History*, Miss Edith Bramhall, A. B.; *in Political Economy*, Wm. A. Rawles, A. M.

Johns Hopkins University.—*Fellowship in Economics*, Henry Ludwell Moore, A. B.; *in History*, Franklin Lafayette Riley, A. B.;

Hopkins Honorary Scholars from Virginia and North Carolina, J. A. C. Chandler, A. B., and E. W. Sikes, A. M.; *Hopkins Scholars from Virginia and North Carolina*, B. W. Arnold, Jr., A. B., W. S. Hancock and E. W. Kennedy, A. B.

University of Mississippi.—*Fellowship in History*, W. H. Drane, A. B.

University of Wisconsin.—*Honorary Fellowships in Economics*, James A. Beauchamp, A. B., James H. Hamilton, A. M., and Balthaser Henry Meyer, B. L.; *University Fellowship in Economics*, Nellie Page Bates, A. B.; *in History*, Frank Hayden Miller, A. M.; *in Political Science*, Samuel E. Sparling, A. B.; *Cincinnati Graduate Scholarship in Social Science*, Comadore Edward Prevey.

GERMANY.

Munich.—The chair in Public and Canonical Law at the University of Munich, made vacant by the death of Professor Joseph Berchetold, was filled April 1, 1895, by the election of Professor Carl von Stengel* of the University of Würzburg. Professor von Stengel has recently written:

"*Die preussische Verwaltungsreform und die Verwaltungsgerichtsbarkeit.*" Schmoller's Jahrbuch, 1883.

"*Die Zuständigkeit der Verwaltungsbehörden und Verwaltungsgerichte.*" Pp. 178. Leipzig, 1884.

"*Deutsches Kolonialstaatsrecht.*" Annalen d. Deutschen Rechts, 1887.

"*Die deutschen Kolonialgesellschaften.*" Schmoller's Jahrbuch, 1888.

"*Alpwirthschaft und Alprecht.*" Zeitschrift d. deutsch-oesterreichischen Alpenvereins, 1889.

"*Gutachten über die Frage: Wie ist die Rechtspflege in dem Schutzgebiete zu ordnen?*" Verhandlungen d. XXI. deutschen Juristentags. Vol. I.

"*Die bayerische Gesetzgebung über Heimath und Verehelichung.*" Verwaltungsarchiv. Vol. I.

"*Wörterbuch des Verwaltungsrechts,*" Supplementary Volume I, 1892. Supplementary Volume II, 1893.

"*Die bayerische Verfassungsurkunde vom 26 Mai, 1818, mit Commentar.*" Würzburg, 1893.

"*Staatsrecht des Königreiches Preussen.*" Marquardsen's Handbuch. Freiburg, 1894.

"*Die deutschen Schutzgebiete.*" 1895. (In press.)

*See ANNALS Vol. i, p. 304, October, 1890.

Strassburg.—Dr. Ladislaus von Bortekewitsch became Privatdocent for Political Economy and Statistics at the University of Strassburg, March 2, 1895. He was born of Polish parents at St. Petersburg, August 7, 1868, and received his early education in the Gymnasium of St. Petersburg where he also attended the University from 1886–90. In the latter year he obtained the diploma of the first grade from the Juridical Examining Commission. In 1891, he studied in Strassburg and in 1892 in Göttingen, where he secured the degree of Ph.D. He continued his studies in Vienna, 1892, Leipzig, 1892-93 and Berlin, 1894. Dr. Bortekewitsch's writings include:

"*Mortality and Longevity of the Orthodox Population of European Russia.*" (Russian in the Proceedings of the Imperial Academy of Sciences). Pp. 120. St. Petersburg. 1890–91.

"*Die mittlere Lebensdauer.*" Elster's Staatswissenschaftlichen Studien, Bd. IV., Heft 6. 1893. Pp. 117.

"*Russiche Sterbetafeln.*" Allgemeine Statistische Archiv, 1893.

"*Kritische Bemerkungen zur theoretischen Statistik.*" Conrad's Jahrbuch, 1894.

"*Leon Walras.*" Revue d' Économie politique, 1890.

The articles "*Lebensdauer,*" and "*Sterblichkeit und Sterblichkeittafeln,*" in Conrad's "Handwörterbuch."

Wurzburg.—Dr. Robert Piloty, Privat docent at the University of Munich, has been elected Ordinary Professor of Public and Administrative Law at the University of Würzburg, succeeding Professor von Stengel. He was born September 1, 1863, at Munich where he received his early education in the Max-Gymnasium, 1873–81. He studied law at the Universities of Berlin and Munich between 1881 and 1885. In 1888 he secured the degree of Doctor Juris at Munich, and became 1889, Privat docent at Würzburg whence he removed in a like capacity to Munich in 1891. Professor Piloty has written a number of short essays, particularly on the German insurance laws, and has contributed the German "*Chronique Politique*" to the *Revue du Droit Public* of Paris. He has also written:

"*Das Reichs-Unfallsversicherungsrecht, dessen Entstehungsgeschichte und System.*" Three Vols. of 300 pp. each, 1890, 1891 and 1893.

"*Die Arbeiterversicherungsgesetze des deutschen Reichs.*" 2 vols. Munich.

"*Die Verfassungsurkunde des Königreichs Bayern.*" Munich.

BOOK DEPARTMENT.

REVIEWS.

The Rise of Modern Democracy in Old and New England. By CHARLES BORGEAUD. Translated by Mrs. BIRKBECK HILL with a preface by C. H. FIRTH, M. A. Pp. 168. Price, $1.00. New York: imported by Charles Scribner's Sons, 1894.

Dr. Borgeaud's name and work has been recently called to the attention of the readers of the ANNALS by reference to his latest book "*L'Établissement et revision des constitutions en Amérique et en Europe*," published in 1893 and translated into English in 1895. For the writing of this work he had already been prepared by his "*Histoire du Plébiscite*," published in 1887, and by the two essays upon democracy which appeared in the "*Annales de l'école libre des sciences politiques*," in April, 1890, and January, 1891. These essays were translated in 1894 and form the little work of one hundred and sixty-eight pages before us.

Inasmuch as the ideas contained in this book have been known to scholars for four years, it will not be necessary to restate them or to review the contents of the book in their entirety. The main theses are, however, worthy of reiteration because they differ in many respects from views already presented and still widely held. First, Dr. Borgeaud maintains, although he nowhere expressly enters into the argument, that modern democracy is not the survival of primitive German or Anglo-Saxon freedom; that it does not owe its development to any special love of liberty or to any spirit of individuality inherent in the Anglo-Saxon race; that the only influence of "antiquity" is the influence of the ancient democracy of Greece and Rome, which never entirely disappeared during the middle ages. Secondly, Dr. Borgeaud maintains that modern democracy is the outgrowth of the religious revolution of the sixteenth century; that it owes its development to the Calvinistic idea of self-government in church matters, transferred to England and applied to the domain of politics by Robert Browne; that the principle of the sovereignty of the people, imprescriptible and inalienable, belongs peculiarly to the Reformation.

Briefly stated these ideas work out somewhat as follows: In England at the opening of the seventeenth century two marked and

divergent tendencies can be noticed, the first was in the direction of monarchical prerogative, aristocratic government and centralization on the political side and of ecclesiastical authority, ceremonial and conformity on the religious side, the second was a leveling tendency in the direction of equality among men, popular control of magistracies and representative government. These two tendencies naturally came into conflict and in the political revolution that followed a selected part of the more radical element left England and came to America. Now the political doctrines of these people can be clearly followed in their own writings. There was nothing especially original about these ideas, they had been held before this time. But no one had expressed them and acted on them at the same time. The source of these ideas was primarily the Bible, secondarily the Institutes of Calvin. In these Institutes is the initial expression of these ideas, whatever transformation they may have undergone afterward, or however much we may charge Calvin with aristocractic leanings. Calvin paved the way for democracy when he taught the severance of Church and State, the equality of all men before God and the right of congregations to appoint their ministers as over against the rights of sovereigns and superiors. The doctrine had in England a more radical interpretation and a more practical application than upon the continent except among the Anabaptists. Cartwright, following Calvin's teaching, strongly opposed the parish government of England as well as the Anglican establishment and advocated principles of local church management that were essentially Calvinistic in character. From the teaching of Cartwright and his followers there arose that body of Presbyterian Puritans who represented in England and America the more conservative wing of the radical party, a group of men, who recognized a national church and a consolidated organization. Over against this body stood the extreme radicals, the followers of Robert Browne who gave these doctrines a democratic expansion. First, Browne advocated the application of the principles of church government to civil life; secondly, that civil magistrates should be chosen with the consent of the people; thirdly, that true Christians were united into a company (a term applied to the craft-gilds), the members of which, by willing covenant made with their God, placed themselves under the covenant of God. This last statement was radical because it opposed both the Anglican and the Presbyterian idea. Browne's Puritan followers went a step farther when they said that the law for their religious governance should not be taken from the English statute book but from the Word of God.

In the later history of England these two phases of democracy were represented in the Presbyterian and Independent movements in the

Long Parliament, the outcome of which was the victory of the more radical party, whose principles were expressed in the famous documents of democracy, the "Instrument of Government," and the "Agreement of the People."

But the English phase of the movement was only partially successful, the influence of conservatism and tradition was too great. America was a free field untouched by tradition. The doctrine of the settlers of Massachusetts and Connecticut were the same as those of the Long Parliament. Each of the New England colonies, save Plymouth, was settled by representatives of one or other of these two parties, and the doctrines of the separatists were in close accord with those of the more radical Puritan wing. Therefore it is wholly to be expected that before the "Agreement of the People" had been drawn up there should have been an expression of these doctrines in written form in the "Mayflower Compact" and in the "Fundamental Articles of Connecticut." The "Agreement of the People" and the "Fundamental Articles of Connecticut" contain the principles of popular sovereignty, of supreme power vested in a single assembly proportioned according to the number of inhabitants, and of equality before the law.

All this is true as far as it goes, but it does not go far enough. Dr. Borgeaud does not explain why the English nature responded so quickly to the democratic ideas above noted, or why the English Puritan was more radical than the French Huguenot. Nor does he explain why these doctrines became the accepted doctrines of a great republic. Modern democracy has its root quite as much in the municipal struggle in England itself as in the religious struggle on the Continent, and we shall still have to reckon with racial characteristics before we can feel satisfied that we have found the conditions which have made modern democracy possible.

CHARLES M. ANDREWS.

George William Curtis. By EDWARD CARY. Pp. 343. Price, $1.25. Boston: Houghton, Mifflin & Co., 1894. [American Men of Letters.]

The editor of this series, had he enforced a strict classification, would have assigned two-thirds of this volume to the well-known "American Statesmen" series. Over two hundred pages are given up to Mr. Curtis' career as a political editor, politician, anti-slavery agitator and reformer. Indeed it seems to us that it was in these great rôles that Mr. Curtis rendered his most important services to the people of this country, and for this reason belongs rather to our

statesmen than to our men of letters. His admirers cannot expect more than "honorable mention" for his best literary productions. His was not a creative, or dominating influence in American literature. Whereas in the accomplishment of great reforms in government and politics, his political wisdom and foresight, his intrepidity and persistence in the face of almost overwhelming opposition, and his success are unquestionable, and his power and influence for good in our national life great and enduring. Mr. Curtis proved himself one of those rare men who early perceive the need of reform and then forthwith resolutely set about educating the public and the leaders of the people with a view to securing the needed reforms.

The present volume is in the main a record, by an intimate friend, of Mr. Curtis' endeavors to right the wrongs of the slave, of his faithful participation in the practical, and to him often disagreeable, work of practical politics, of his course as an "Independent," and of his great work of promoting Civil Service Reform. We learn here how hard it was for him to bear up under the storm of abuse and revilings that came upon him when he broke away from his old party moorings in 1884. After this date, however, he became the recognized leader of the reform element in New York State and national politics. He interested himself, particularly as editor of *Harper's Weekly*, in many questions—the tariff, the currency, foreign matters and the relation of Congress to the President—but the major part of his time and energies he gave up to the prosecution of Civil Service Reform. The splendid work which he accomplished in this reform is shown in the remarkable progress, which we are every day witnessing, of this movement in municipal, State and national politics and governments. Mr. Cary has written his biography in an easy flowing style, and wherever possible makes Mr. Curtis tell his own story by giving numerous letters and extracts from his writings.

F. I. HERRIOTT.

Stuart, Ia.

The Organization of Charities: being a report of the Sixth Section of the International Congress of Charities, Correction and Philanthropy. Chicago, June, 1893. Edited with an introduction by D. C. GILMAN. Pp. xxxii, 400. Price, $1.50. Baltimore: Johns Hopkins Press, 1894.

This second volume, though the first to appear, of the proceedings of the International Congress of Charities, is described by President Gilman in the title to the introduction as a panorama of charitable work in many lands. The topic assigned to this sixth section of the

congress was the organization and affiliation of charities, and preventive work among the poor. The papers, however, deal for the most part with the problems of outdoor relief, and the way these problems are being met, especially in England and Germany. After the introduction appears the admirable oration by Professor Francis G. Peabody, with which the congress was opened. It represents the highest plane of American thought upon "the Problem of Charity."

Following this is an abstract of the discussions which took place at the four meetings of the section. The subjects discussed were the Demarcation of the Field of Voluntary Charitable Work, Friendly Visiting, the Relation of Public to Private Charity, Labor Colonies, and Relief in Work.

Of the thirty-five papers which make up the body of the volume, nine are of American origin, nine are from the Continent of Europe, while seventeen papers present the aims and methods of relief work in Great Britain. Nearly all the writers are officially connected with the work which they describe, and some of them are eminent authorities in the literature of charity.

Among the more noteworthy of the American contributions the reader will find an account of the methods and results of the work of the New York State Charities Aid Association by its leading spirit, Miss Louisa Lee Schuyler; a compilation by Mr. Alfred T. White, of the Brooklyn Bureau of Charities, of the organized efforts in some twenty-five American cities "for the temporary employment of men and women out of work where such employment is at once relief and labor test;" a suggestive paper on Friendly Visiting by Mrs. Roger Wolcott, of Boston, and a vigorous protest by Professor Amos G. Warner, against the too prevalent custom of subsidizing private charities from public funds.

Charity in France and Belgium is presented in an extended treatment, historical and descriptive, by M. Hubert Valleroux. He complains of the tendency on the part of the government "to replace the ancient form of charity, done by the faithful with their money and for the safety of their souls, by a charity done by the administration with the money of taxpayers and for electoral purposes."

Following this is a statistical paper on Italian Charities, by Signor Egisto Rossi, who expounds and praises the important law of 1890, which aims to correct the abuse of endowed charities by bringing all of them under governmental management.

Five German contributors treat of the Elberfeld System of Poor Relief as exemplified in the cities from which they severally write. Dr. Victor Böhmert, of Dresden, gives special attention to the private relief societies, which are unusually strong in his city, and their

co-operation with the public system through the Municipal Bureau of Information for Poor Relief and Charity. Another paper by the same author tells of the *Volkswohl*, a successful organization for the social improvement of working people. A brief paper from St. Petersburg closes the reports from continental Europe.

The numerous contributions from England, written for the most part by men and women who are connected with charity organization committees or the Poor Law administration in representative districts, were secured through Mr. C. S. Loch, of the London Charity Organization Society. This perhaps accounts for the plain scientific manner of treatment and the progressive ideas which characterize the papers.

One of the principal topics running through the volume is the much discussed problem of public outdoor relief. The most that English and American contributors say for it is that it sometimes seems to be necessary. Its free use is found to increase the poverty which it is supposed to relieve, and progress is largely measured by the extent to which it has been abolished. In continental Europe on the other hand we find a general lack of confidence in private relief agencies. Endowed charities and private societies are being brought under public regulation to prevent their abuse. At the same time the German cities that have adopted the Elberfeld system of public outdoor relief find it eminently satisfactory. This difference is well brought out in the present volume. The explanation of the difference has never been made entirely clear, and to these detailed and authoritative reports from the various fields of activity one naturally looks for new light upon this interesting question. As might be expected, the explanation is composite. In the first place, undoubtedly the Elberfeld system is of a higher order than any English or American system of public relief inasmuch as it enlists in the service a large body of public-spirited citizens and insures to the recipient of relief individual treatment by one who may be expected to be familiar with his condition. On the other hand it seems to be only in Anglo-Saxon countries that private charity has become sufficiently organized or sufficiently generous to be depended upon to meet the necessities of the poor. Again, public poor relief in Germany, in common with other branches of municipal administration, enjoys a freedom from the corrupting influence of party politics which seems quite beyond the reach especially of American administration. Another cause for the difference between German and American experience in public relief comes from the prevalence in the older country of ideas of frugality which are unknown here, at least in the domain of public expenditure. German almoners understand that their resources are limited, and being accustomed to wide-spread poverty, they expect small grants to suffice, but

the average American regards the public treasury as a boundless resource, and is pretty sure to think that the particular cases of poverty with which he is acquainted should be relieved with bounty.

In German cities placing the power of granting relief in the hands of honorary district visitors has usually resulted in a decrease in the amount of the grants. A similar plan in an American city would seem likely to result in an increased expenditure as dangerous to the permanent welfare of the poor as it would be burdensome to the taxpayer. German public relief has never become so bountiful as to need general curtailment in the interest of the poor themselves. Until it does German writers will fail to appreciate the American objection to the Elberfeld system. The discussion of Friendly Visiting at the Chicago Congress reached the conclusion (page 28) "that the friendly visitor is a failure when allowed to dispense alms." The best service in imparting strength to the weaker members of society is undoubtedly done by visitors who are not almoners, and where such visiting is combined with adequate relief from private sources, granted after friendly but expert investigation and council, we may justly claim to have a system of outdoor relief in advance of that of Elberfeld.

D. I. GREEN.

The Meaning of History, and Other Historical Pieces. By FREDERIC HARRISON. Pp. viii, 482. Price, $2.25. New York: Macmillan & Co., 1894.

These essays which Mr. Harrison has just given the public in connected form are not new. Nearly all of them have served as lectures or as magazine articles, and several were published a generation ago.

The greater part of the volume is devoted to a series of discussions of "The City: Ancient, Mediaeval, Modern and Ideal," with suggestive studies of Athens, Rome, Constantinople, Paris and London, with especial attention to the recent transformations which those cities have undergone. A "Survey of the Thirteenth Century" finds a place beside an essay on "What the Revolution of 1789 did," followed by a pointed comparative study of "France in 1789 and 1889." A discourse on "Palæographic Purism" adds spice to the collection.

The title of the volume, however, derives its significance mainly from the first four essays: "The Use of History;" "The Connection of History;" "Some Great Books of History;" and "The History Schools." As these have all been before the public for years, they need no detailed review at this time. It will be more in point to try to gather what light the essays, taken together, throw upon the meaning and use of history.

In the first place any criticism of these essays would be manifestly unfair, which should fail to take due account of their avowed purpose and of the class of readers whom they aim to serve. It is not to the historical specialist that Mr. Harrison offers new light. Nor does he aim to start a new fad among the leisure class. He seeks rather to turn into fruitful historical lines "the ordinary fireside reading in our mother tongue of busy men and women." The wider range of view, the truer perspective, the foresight-giving knowledge of the past, these are the grounds on which he urges the usefulness of history, not simply to the student, but to "the bulk of the people, if they are to live the lives of rational and useful citizens."

For these busy men and women he would not prescribe disconnected fragments, for, in his view, "history is the biography of civilized man: it can no more be cut into absolute sections than can the biography of a single life." Little sympathy or appreciation does he show for the research of the "conscientious annalist," who completes the history of each year in successive volumes, by the continuous study of an equal period. Such work seems to him sterile microscopy. Gibbon is his ideal historian. He delights to honor the historian who has "grasp," who paints things in the large. Entrance to his list of "Great Books of History" is secured not by exhaustive research, painstaking accuracy and judicial candor, but rather by comprehensiveness, perspective, poetic fervor and dramatic grouping. Hence, Guizot and Carlyle are exalted far above many an historian whose statements are more reliable.

In his choice of books Mr. Harrison is confessedly old-fashioned, yet he shows acquaintance with a very wide range of historical writings, and his suggestions are calculated to be of great service to those whom he seeks to help. For it is not the student recluse, but busy men and women that he would here incite to find in history that "biography of civilized man, the reading of which ought to fill us with emotion and reverence."

GEORGE H. HAYNES.

Deutsche Geschichte, Von KARL LAMPRECHT. Band IV, Pp. xv, 488. Band V, Theil I, Pp. xiii, 358. Per Band, 6 Marks. Berlin: R. Gaertner's Verlagsbuchhandlung, 1894.

It was to be expected that the recent quickening of interest in social and economic studies should be reflected in the writing of history, just as the movements for constitutional government earlier in this century were accompanied by a succession of notable works on constitutional history. Professor Lamprecht, of Leipzig, is the first to

undertake a comprehensive history of Germany from this broader standpoint.

The author published, in 1885 and 1886, four bulky volumes on "*Deutsches Wirtschaftsleben im Mittelalter*," and monographs and lectures on kindred subjects have appeared since that time. He now addresses himself to the relation of the story, in its main features, of the whole life of the people, and, while not neglecting the political narrative, he seeks to present it in relation to the economic and intellectual life of successive periods, and so to analyze the relation of the various factors as to show us not only "what has been, but how it has come to be." The work is addressed to the general public, and is written in a style that is clear and attractive, while the arrangement of the material shows a sense of proportion that is in a German work exceptionally refreshing, and gives reason to hope for the completion of the whole within a few years and in not many more volumes. The volumes already issued have appeared in rapid succession, one each year since 1891, while 1894 gave us Volume V, Part I, in the spring, and in the autumn, Volume IV.

The unifying idea about which the complex phenomena are organized is the unity of the German race, struggling against countless obstacles for expression, now in mythological tradition, now in the borrowed form of a world-empire, now in a landed aristocracy or a trade league; now submerged by the rising tide of individualism, only to emerge at length in the popular consciousness of unity which is expressed in the modern German Empire. The limits of this review forbid the tracing of the development of this theme through the earlier volumes. The first covers the early immigrations and the Merovingian times, and is perhaps less satisfactory than those that follow, because the author is so largely on the controverted ground of pre-historic sociology, which is not so specifically his own as the economic life of the Middle Ages. Volume II, gives us the Carolingians, the origin of feudalism, and the fortunes of the Holy Royal Empire down to the middle of the twelfth century. The third volume covers the period of the Hohenstaufen, and describes the beginnings of the new economic system of money payments, whose further development, together with the collapse of the imperial power, is the theme of Volume IV. The fifth volume carries us, in the first part, well into the midst of the Reformation.

Volume IV includes, more definitely, a period of two hundred years from the end of the Interregnum of the thirteenth century. The thread of connection, in so far as it is possible to find one in a time of such confusion and disintegration, is sought in the influence of the money-system. (*Geldswirthschaft.*) This undermines the economic basis of feudalism, and prevents the possibility of attaining a national unity

through it. The new system finds its full expression in the towns, while the agricultural territory is almost excluded from its benefits. Hence the nobility and princes are constantly fighting against the burghers. The emperors are powerless to preserve peace or to equalize the economic development. Without effective support, financial or military, from the nation at large, each emperor is forced to maintain himself by building up a family domain in immediate subjection to himself. The papacy finds its revenues diminished under the new system, and the expedients to fill the gap are a prominent cause of the demand for reforming councils. The culture of the time was centred about the towns, where alone was wealth to support it. The surplus strength of the motherland was employed in the colonization of the East, and here arose the economic expression of national unity in the Hanseatic League.

But the cities could not transmute their gold into political supremacy, and out of the struggle emerges the territorial sovereignty of the princes, with an administration organized on the money basis, a kingship devoid of power, and an ultramontane church.

In the fifth volume the Reformation is depicted as part of the general movement toward individualism, and as shaped in its development by the social conditions imposed by the new economic system. The main current of the reform movement is traced to its intellectual and religious sources. The spread of the art and learning of the Renaissance, and the course of Luther's spiritual experiences are exhibited with great aptness of expression.

Yet the author seems to find the underlying cause of all in "the complete carrying out of the tendencies of the money-system and its consequences in the social and intellectual spheres." (p. 3.) The new system was assuming the form of large capitalistic enterprises and rings in the cities, while in the country the rich burghers were obtaining control of the land. Thus to the lesser nobles remained only the precarious living of robber-knights, and the peasantry was left in the position of a pariah class. When, then, the teaching of Luther appeared, supported by the force of his personality, it was natural that the exploited classes should ally themselves with the movement, and seek to direct it to their own ends. Hence the zeal of Sickingen and his knights, hence also the Peasants' War, and the echo that it found in the city proletariat. But, besides these extreme movements, the general response throughout the nation is regarded as the expression of an individualism that the money-system had developed.

Nothing is more difficult than to hold a just balance in determining the relative strength of historic forces. The economic movement has been so often left out of the account that it was perhaps necessary

that it should be strongly emphasized. Professor Lamprecht, while recognizing, as in his chapters on Luther, the presence of ideal and personal factors, is yet inclined to explain too much, if not everything, by the social-economic organization. Why was it that the use of the money-economy did not concide in Germany, as it did in other countries, with national consolidation? Must we not seek the answer in considerations of race-characteristics and the inherited difficulties that beset the kingship,—that is in ethnic and political rather than in economic causes?

But it must not be inferred that the work is a materialistic polemic, like Buckle's civilization. On the contrary, the author often tantalizes us with a bare statement of some application of his thesis, without connecting it with the facts in hand. The book is rather to be compared to Green's "English People," and it seems likely to hold for the history of Germany an analogous place. Nowhere is there to be found a clearer account of political events, nowhere a more fascinating description of town-life; art and literature are given their proper place, and discussed with discriminating taste. As a comprehensive and readable presentation of German History as interpreted by German scholarship of to-day, Professor Lamprecht's work is a great boon.

R. C. CHAPIN.

The Baronage and the Senate, or the House of Lords in the Past, the Present and the Future. By WILLIAM CHARTERIS MACPHERSON. Pp. 370. London: John Murray, 1893.

The first two hundred and seventy pages of this book are devoted to a consideration of the House of Lords, of the charges advanced against it by the Liberal party in Great Britain, and of the remedies to which the members of that party would resort in view of its supposed evils. The history and constitution of the House of Lords are briefly reviewed, and the author brings clearly to light the fact that while the peers are, in origin, a baronage, the House of Lords is by no means composed exclusively of hereditary legislators. Considerable space is taken to prove that the idea that the House of Lords is composed entirely of hereditary legislators is based on a misconception. An analysis shows that in 1892, of the 541 members of the House of Lords, 383 inherited their seats; 86 of the remainder were new peers; there were 5 Lords of Appeal; 15 peers were elected from Scotland and 26 from Ireland, adding to these the 26 bishops, we find 158, out of a total of 541, who did not inherit their seats.

The author then considers the case of the Radicals against the House of Lords, "that it is aristocratic" and "that it oppresses the people."

He endeavors to prove that both of these charges are unfounded. He maintains that the Tory peers in their opposition to the first Reform Bill and the removal of nonconformist disabilities were animated by high and worthy motives; that their opposition to the removal of Roman Catholic disabilities was not without extenuation or excuse. He further maintains that far from oppressing the people at the present day, the House of Lords is the main security that the will of the people shall be clearly ascertained in order that it may afterward prevail. He then scrutinizes the remedies proposed by the Radicals. The two principal schemes, *i. e.*, "abolition of the House of Lords" and "its conversion into a United States Senate," he considers "crude, ill-considered and impracticable."

The Radical party's charges, above considered, are unfounded, still there is a just ground for complaint "in the callous and contemptuous treatment of measures that have passed the House of Commons at the hands of the peers who as a rule take no part in politics and pay little or no attention to political questions." The author thinks that the present structure of the House of Lords needs to be modified and that this must be done by decreasing or abolishing the number of "hereditary legislators," and increasing the number who, because of certain qualifications, are appointed for life. In this reorganized upper chamber the colonies must be represented as they should be in the House of Commons. The hereditary peers should elect a certain number to represent the peerage in the House of Lords.

Part IV of the book is very satisfactory, but the first three parts are too long. The author devotes altogether too much space in them to questions of minor importance. The gist of the book is that instead of a baronage the upper chamber should be an imperial senate, containing representatives from all parts of the British Empire. "Heredity is the essence of a baronage; selection is the essence of a senate."

J. Q. ADAMS.

University of Pennsylvania.

Europe 476–918. By CHARLES OMAN. (Periods of European History.) Pp. 532. Price, $1.75. New York and London: Macmillan & Co., 1893.

The City-State of the Greeks and Romans. A Survey Introductory to the Study of Ancient History. By W. WARDE FOWLER. Pp. 332. Price, $1.10. London and New York: Macmillan & Co., 1893.

In his volume on "Europe 476–918" Mr. Oman has the advantage of dealing with a period of which there exists no continuous narrative

in English. As we should expect from his previous books, the author gives a well-written, and in the main trustworthy account of political and military affairs. The narrative is limited to the Continent and gives rather more space to Eastern Europe than is usual in books of this kind. There are maps and genealogical tables, but no references to sources or to modern works. The book, as a whole, gives the impression of being designed as a manual for those who wish to "get up" the period rather than as an introduction to further study. Emphasis is laid on the facts of dynastic and military history rather than upon the underlying constructive forces that were making a new Europe out of the turmoil and confusion of this transitional age. The Church is treated only in its relations to political history, without reference to the development of ecclestiastical organization or the growth and influence of monasticism. We look in vain for some description of the beginnings of feudalism, which is quite ignored until the time of Charles the Bald, and then almost taken for granted. One familiar with recent investigations in this field would hardly dismiss Charles Martel with the statement that "he occasionally laid military burdens on church-land" (p. 295), or say that the day of feudal cavalry was "just beginning" in the time of Charles the Bald. Mr. Oman's apparent ignorance of the part played by cavalry in the growth of the feudal system is the more remarkable since he has given an excellent account of the military results of feudalism—how "it was the mailed feudal horseman, and the impregnable walls of the feudal castle, that foiled the attacks of the Dane, the Saracen, and the Hungarian." It is evident that the author is more at home in the history of Eastern than of Western Europe, but after making all allowance one is surprised to find (p. 372) that in the time of Charles the Great "a barbarian Augustus would be unprecedented."

Mr. Warde Fowler's little volume on "The City-State of the Greeks and Romans" is an attempt to "construct in outline a biography, as it were, of that form of state in which both Greeks and Romans lived and made their most valuable contributions to our modern civilization, tracing it from its birth in pre-historic times to its dissolution under the Roman Empire." Such a biography was well worth the writing. No one can begin to understand Greek or Roman political life without grasping clearly the idea of the ancient City-State, which differed from the modern state in being a city, and from the modern city in being at the same time a state. Only in this way can one appreciate the fundamental differences between ancient and modern politics and avoid the misleading comparisons in which those differences are persistently ignored. Mr. Fowler's book cannot help

proving useful to students both of history and of political science. Even if we should grant the author's contention that the book contains "absolutely nothing new," he would place us under obligation to him for the fresh and stimulating manner in which he has set forth that which is old but too often overlooked. He explains the nature of the City-State and sketches the chief epochs in its history without any of the special pleading or insistence on one idea which characterize such a book as "The Ancient City" of M. Fustel de Coulanges. At the same time the book has many suggestive statements like the following, on page 315: "Cicero stands in this respect to Rome as Demosthenes to Athens; he was the last-born legitimate son of the Roman City-State . . . This is obvious throughout his writings, and is the real clue to the right appreciation of his political career."

CHARLES H. HASKINS.

A Constitutional History of the House of Lords. By LUKE OWEN PIKE. Pp. xxxv and 405. Price, $4.00. London and New York: Macmillan & Co., 1894.

The author of this volume is a barrister-at-law, assistant keeper of the Public Records and editor of the "Year Books" published under the direction of the Master of Rolls. He has had, therefore, opportunities for producing a work at first hand, and the internal evidences go to prove that he has lived up to his opportunity in this respect. He cites abundantly the original sources of his facts, and indicates some instances in which his more careful investigation into the sources has led to the correction of long standing and oft repeated errors in the writings of Blackstone, Hallam and others.

The declaration is made that the author has written without political bias, and that the arrival of his work has not been influenced by the present agitation over the House of Lords. While the general tenor of the work supports this statement, yet we must regard the publication of the work as very timely indeed. But it would have seemed even more so to the student of practical politics had he seen fit to investigate, "without political bias," those great conflicts between the lords and commons for political supremacy in Parliament. Such a discussion would have thrown some light on the present peculiar position of the lords. It is now very evident that Great Britain, as well as the rest of the world, needs light just now, for what to do with the "chamber of all the prejudices" is just now very far removed from settlement, and in spite of recent agitations public sentiment does not point to either "ending or mending" the lords. In fact their successful opposition to Home Rule seems to have made

them aggressive, for Lord Chancellor Herschel felt compelled, on the last night of debate over Home Rule, to emphatically call the lords to remember that the making and unmaking of ministries belonged exclusively to the commons. One must regret, therefore, that this work gives little attention to the House of Lords of to-day, and omits most interesting controversies in which the lords have been deeply involved.

The work is divided into fifteen chapters. Chapter I discusses the origin of titles, and the classes represented in the Witan in the Pre-Norman Period. Chapter II traces the source of the "Ideas of Nobility and Succession" introduced by William the Conqueror. Chapter III explains the effects of the conquest down to Henry I. by showing how Saxon nobility were superseded by foreigners, who controlled the Witan. In Chapter IV is worked out the differentiation of governmental functions from Henry I. to Edward III. Chapters V, VI and VII are devoted to Earldoms and Baronages. The rise and decay of the power of the spiritual lords fills Chapter IX, while X and XI relate to the origin and nature of the judicial functions of House of Lords—especially appeals and impeachments. The last hundred pages brings one into touch with questions of more modern import and interest, such as the legislative power of the lords and the effect upon their constitution produced by relations with Scotland, Ireland, and the rise of democracy.

As a storehouse of well-authenticated facts, the work will be welcome to all students of English history, but for setting forth and explaining the various phases of life through which the lords have passed, and for indicating their later tendencies one must look to some future historian of Parliament.

W. H. MACK.

NOTES.

MRS. R. M. ATCHISON, the author of an essay, entitled "Un-American Immigration"* belongs to the hysterical school of political writers, and had she lived a hundred years ago would have made a liberal use of italics and capitals, a practice no longer sanctioned. The title itself is a fair specimen of the author's redundancy, for it might justly be observed that immigration is necessarily un-American. But not to cavil at phrases suffice it to say that the author in the main sustains her thesis that the present immigration is undesirable. There can be no doubt that there has been a deterioration in the quality of

*_Un-American Immigration._ By RENA MICHAELS ATCHISON. Pp. 198. Price, $1.25. Chicago: Charles H. Kerr & Co., 1894.

immigrants to our shores, and we think this point has been established. In a subject which demands such delicate treatment as the relations of the different racial elements in our population, a certain coolness and deliberation seems preferable to the intensity of the writer.

HENRY M. FIELD'S "Our Western Archipelago" adds another volume to the author's already long list of works of travel.* Mr. Field's extensive travel and his personal knowledge of famous men, including his brother Cyrus W. Field, make his writings interesting reading. His books are mainly composed of description of scenery, accounts of conversations with those whom he meets, and the story of the experiences and incidents of the journeys made. There is but a modicum of economic discussion given, and this comes as no small disappointment to the person who is reading books of travel for data concerning industrial conditions. By "Our Western Archipelago," Mr. Field means the group of islands extending along the coast of Alaska. The trip to the Pacific was made by the Canadian Pacific, and the first third of the book is an account of his journey from Montreal to Vancouver. Somewhat less than a third of the volume is devoted to the Archipelago and Alaska. The last ninety pages contain an account of what the author saw and heard in the State of Washington, the City of Portland, along the Northern Pacific and in the Yellowstone National Park, to which the last four chapters of the book are devoted. This book is not especially meaty, but nevertheless contains enough of interest and value to repay reading. What is told is well stated. The author's personality is always at the fore and adds much to the charm of his book.

PROFESSOR ALCÉE FORTIER'S "Louisiana Studies"† are divided into three parts, which are indicated in the sub-title of the work. The English here and there is poor and a somewhat too personal tone pervades the narrative portions, but interest grows on the reader, and he is not likely to lay aside the book till he has looked through it. In value and attractiveness Part II, on customs and dialects, ranks ahead of Part I, on literature. The subjects of these two parts are the ones the author is best qualified to deal with. What Professor Fortier has begun to do in these studies for Louisiana should be done for every

* *Our Western Archipelago.* Illustrated by HENRY M. FIELD. Pp. 250. Price, $2.00. New York: Charles Scribner's Sons, 1895.

† *Louisiana Studies: Literature, Customs and Dialects; History and Education.* By ALCÉE FORTIER. Pp. 307. Price, $1.50. New Orleans: Hansell & Bro., 1894.

State in the Union, by some one as enthusiastic and as competent as he. His hope that the studies will prove of interest both to those within that State and to those without can scarcely fail to be realized.

IT WOULD BE difficult to find a more readable book than the "English Seamen in the Sixteenth Century"* by the late Professor Froude. The book consists of nine lectures written to prove the thesis that the crippling of Spain during the sixteenth century, the defeat of the Armada, and the success of the Reformation in England were due to the private fleets of the Protestant "adventurers," commanded by Hawkins, Drake and the other rovers of the ocean, who were ready to fight England's battles at the expense of the enemies of the country. The condition of the religious parties of Great Britain, and the military and naval defences of the country are most vividly portrayed. The analysis of Queen Elizabeth's character is masterful, and the book throws much side light on the reign of that remarkable woman. The author claims that "The English sea power was the legitimate child of the Reformation. It grew . . . directly out of the new despised Protestantism." Every student of the Reformation will do well to read these lectures.

Every reader of the book will be impressed with at least two things, the author's ardent championship of protestantism and his wonderful power of narration. In his pages the stories of Hawkins and Drake become as thrilling stories of the sea as are to be found in fiction. There is nothing dull between the covers of the work. Many will probably feel that true historical writing cannot be made so much like a drama as are some of the chapters of this book; but if the vivifying power of Froude were ever rightly used it is in handling this theme, in portraying the deeds of the English adventurers of the sixteenth century. The author seems to have established his thesis, and, in this case at least, to have done so without distorting history.

THERE IS PROBABLY no other branch of study whose treatment has received greater improvement than geography. The subject has been given a more central and important place both in secondary and college education, and this has quite changed the content of the instruction given under the term geography. The text-book now treats of "the earth as the home of man," and in order to accomplish its purpose makes free use of the latest revelations that have been made by geology,

* *English Seamen in the Sixteenth Century.* Lectures delivered at Oxford Easter Terms, 1893-94, by JAMES ANTHONY FROUDE. Pp. 228. Price, $1.75. New York: Charles Scribner's Sons, 1895.

botany and biology. The geological and geographical work being done by the United States Coast and Geodetic Survey and Weather Bureau is also of great assistance to the writer on geography. The very recent book by Alex. Everett Frye * makes possible a complete transformation in secondary geographical instruction. This work is an admirable statement of the new concept of geography. The treatment includes (1) an exceptionally clear outline of the forces which have given the home of man its present features and characteristics, (2) a description of the orography of North America and the other continents, (3) a study of the races which inhabit the earth, (4) of the plants and animals of most importance, (5) a brief analysis of commerce, and then (6) follows a study of the political and industrial geography of the United States, based on the discussions contained in the former sections. The special study of foreign countries is rightly made briefer than that given the United States. It would be difficult to commend the book too highly. When future students prepare for college their study of geography will be a valuable preparation for their college work in the natural sciences, economics, political science and history. There is at present no subject of which the college student is more ignorant than geography. This simply means that present methods of instruction are faulty and inadequate. Reform seems to be promised.

Another work written contemporaneously with the above, and conceived in the same spirit is the "Lessons in the New Geography," by Professor Spencer Trotter. † This little book is written for the purpose of showing to what extent physical geography, botany, zoology, anthropology and the study of commerce contribute material for the lessons in the new geography. The subject is as broadly conceived by Professor Trotter as by Mr. Frye, but the treatment by Mr. Frye is much more successful. Professor Trotter has written for teacher and general reader as well as for the student, and his work is thoroughly suggestive. Mr. Frye in setting out to make the best possible text-book has accomplished more for the pupil and quite as much for the teacher and reader.

"A PATHFINDER IN AMERICAN HISTORY" ‡ is a helpful book, written by two practical schoolmasters of New England, for the use

* *Complete Geography.* By ALEX. EVERETT FRYE. Pp. vii, 208. Price, $1.55. Boston and London: Ginn & Co., 1895.

† *Lessons in the New Geography for Student and Teacher.* By SPENCER TROTTER, M. D., Professor of Biology in Swarthmore College. Pp. viii, 182. Boston: D. C. Heath & Co., 1895.

‡ *A Pathfinder in American History.* By W. F. GORDY and W. I. TWITCHELL. Pp. 411. Price, $1.20. Boston: Lee & Shepard, 1893.

of teachers of our national history in primary and secondary schools, public and private. It is a fitting response to the growing demand, by no means confined to educators, for systematic and thorough training for American citizenship. The book supplements and with rare intelligence directs the efforts teachers are making all over the land to construct and operate successfully a plan of work in American history for primary, intermediate, and lower grammar grades.

The "Pathfinder" makes a place for American history in the first year of the child's school life, and so skillfully combines history with language, literature, reading, geography, that the nineteen out of every twenty pupils who never get beyond the grades may be sent into their life-work with at least as much knowledge of our national history as of mathematics and literature. Fortunately this knowledge will not be confined to drum-and-trumpet history; for the book lays especial emphasis on our social, industrial and commercial development. The plan takes more time than the old method—rather want of method—but in the end it will save time.

The "Pathfinder" can be heartily commended to every teacher who wants inspiration for the teaching of history, and detailed information concerning methods and concerning historical books and their cost.

IT IS HIGHLY creditable to our reading public that we at length have a translation of Gregorovius' History of Rome.* This translation is not due to a demand from scholars, for they have been using the original for more than a generation. It is published by firms of wide experience who know what will be read, and the price is so low that they evidently count upon an extensive demand. It is safe to predict that the eight volumes of Gregorovius will take their place between Gibbon's "Decline and Fall" and Milman's "Latin Christianity."

The author modestly deprecates a comparison with Gibbon's great work and his theme is ostensibly a narrow one. But the history of the city of Rome can be understood only by studying the history of the Roman Catholic Church and of the Holy Roman Empire. Naturally some subjects must be lightly touched upon or wholly passed over. But as a whole Gregorovius is a capital guide to the history of the thousand years commonly designated as the Middle Ages. And a feature of the work, which enhances its value and which will arouse and hold the interest of many readers, is the thorough topographical

* *History of the City of Rome in the Middle Ages.* By FERDINAND GREGOROVIUS. Translated from the fourth German edition by ANNIE HAMILTON. Vols. I and II. Pp. 505, 516. Price, $3.75. London: Geo. Bell & Sons; New York: Macmillan & Co., 1894.

knowledge of the author. The sections which treat of architecture and of the vicissitudes of the buildings and art treasures of Rome form the best treatise that we have. Here the author is especially at home and is actuated by a sincere love for the Eternal City. To the interest aroused by these chapters we owe the present translation.

Two volumes of the translation have been published. They include the history of four centuries from the entry of Honorius into Rome in 403, to the coronation of Charlemagne in 800. In the earlier part some will compare the present work with Hodgkin's more brilliant account. The compression of Gregorovius prevents such lifelike pictures as are allowed on Hodgkin's larger canvas. But the account here is clear and furnishes in brief compass an excellent narrative of the confusion incident to the decay of the old civilization and the rise of the new. Its very briefness will commend it to the general reader and make it especially valuable for collateral reading in college classes. The author is conscientious and conservative. When he has insufficient testimony, he states the question frankly and gives the best references, without attempting a decision. But it is superfluous at the present day to praise the scholarship of a Gregorovius.

There are occasional infelicities in the English version, but on the whole it reads smoothly. In some places the translator has failed to grasp the exact meaning of the original, but this seldom mars the work seriously. It would be ungracious to find fault with such a labor of love, except in the hope of improvement in the succeeding volumes. Although the translator will continue her work—and we hope speedily—she has supplied a sufficient index for these two attractive volumes.

UNDER THE TITLE "The Question of the Houses,"* a Yorkshire schoolmaster, Charles A. Houfe, examines the mooted abolition of the House of Lords, with much good sense and a certain vehemence of language. He justly maintains that it is a question of two houses and not of one only. The Commons after such a change would become the exclusive power, controlling not only ordinary legislation, but clothed with constituent power capable of determining the conditions of its own existence. The author not only opposes but denounces a uni-cameral system. The British Constitution in the Crown and Ministry, the Parliament and the electorate, combine the governmental principles of monarchy, oligarchy and democracy. Each branch contains in itself moderating checks. Remove the second chamber, and the unchecked oligarchy would gradually subdue to itself the other

* *The Question of the Houses.* By CHARLES A. HOUFE. Pp. 130. Price, 2s. 6d. Westminster: Archibald, Constable & Co., 1895.

elements. The dilemma of the advocates of the bi-cameral system that there is no rational basis for a second chamber, forces the author to the advocacy of the historical basis. Yet he would moderate the House of Lords by limiting the number of members, and permit the infusion of new blood within this number by abolishing the hereditary right to a seat in the house after the third generation. The function of the lords is to revise, not to obstruct. In case of conflict between the houses, let the electorate decide by direct vote upon the disputed question. To insure intelligent action let each side state its case authoritatively, let the government print these statements in the same pamphlet and distribute it gratuitously to the electors.

THE MOST RECENT issue of the collection of economic writings edited by Professors Brentano and Leser, is a translation into German* of the old English work recently reëdited by Professor Cunningham, (1891), and published with the title, "A Discourse of the Commonweal of this Realm of England." The work which first appeared in print in 1581 with the initials W. S. has been variously attributed by more or less learned editors to William Smith, William Stafford and even to William Shakespeare. Earlier manuscripts having been found the date of the work is thrown back to the year 1549. W. S., whoever he may be, is a mere editor and not the author. The work which is one of the earliest English writings of economic questions, treats especially of the debasement of the currency under Henry VIII., and of the changes of agricultural methods. Although it has been published in six editions in England the present is the first translation into a foreign tongue. It is here enriched with copious notes.

DURING THE LAST few years so much light has been thrown upon the history of ancient civilizations, that now possibly we may begin to co-ordinate the results. By the labors of such scholars as Maspero, Flinders, Petrie and Hilprecht, thousands—literally—of new documents have been discovered and interpreted. The lacunae still are many, but some things may now be predicated as certain. The results of this investigation are for the most part practically inaccessible to the general English reading public as they are embodied in learned publications and often printed in foreign languages. During the last few months new books have appeared—notably Maspero's "Dawn of Civilization" and Erman's "Life in Ancient Egypt"—which obviate

*William Stafford's Drei Gespräche über die in der Bevölkerung verbreiteten Klagen, herausgegeben von M. E. LESER. Pp. xix and 193. Price 3 mk. 40 pf. Leipzig; Duncker & Humblot. 1895.

the difficulties for Egypt and Babylon. But no such volumes were accessible when Simcox's "Primitive Civilizations" * was published.

As Mr. Simcox is not an original investigator, his work is conditioned necessarily by the fullness of the materials made accessible by others. Consequently we have 250 pages for Egypt, 150 pages for Babylonia, and 22 pages for Phœnicia and Carthage. He has studied the Chinese civilization most fully, and to that is devoted almost the whole of the second volume. He believes that the kinship of the Chinese with the Egyptians and Babylonians will be established, and that the life of the latter may be interpreted by analogies drawn from the fuller material accessible for the former. With the knowledge of the recent Chinese-Japanese War, it is amusing to read Mr. Simcox's enthusiastic account (Vol. I, p. 142) of the excellent fighting abilities of the Chinese. Other observations are probably as little accurate as this.

Although he disclaims "studying history for 'profit'"—whatever that may mean—the author has constantly before his mind the idea that the modern "political civilizations" may study to good advantage the ancient "domestic civilizations" which were "nearer to the 'state of nature'" than the present nations. The lesson which he teaches is a little vague and, in fact, when he deserts his authorities, his style has a certain elusiveness and lack of continuity which is unsatisfactory. But the book is interesting, and will be useful to many who would not know where else to obtain the same information. The work is adequately indexed, and the second volume contains 100 pages of appendices on a dozen subjects ranging from Egyptian chronology to the Report of the Malabar Marriage Commission.

THE AMERICAN ASSOCIATION for the Advancement of Science will hold its forty-fourth meeting at Springfield, Mass., from August 28 to September 5, 1895. The first general session will be held in the Y. M. C. A. building at 10 a. m. on Thursday, August 29. It will be devoted to the addresses of welcome, the reply by the president, the announcements by the secretaries, etc. In the afternoon the vice-presidents of each section will deliver their annual addresses. Section I (Economic Science and Statistics) will meet in the Parish House of Christ Church; Vice-President B. E. Fernow will speak on "The Providential Function of Government in Relation to Natural Resources." On Monday evening, a general session will be held, at

* *Primitive Civilizations, or Outlines of the History of Ownership in Archaic Communities.* By E. J. SIMCOX. Two volumes. Pp. 576, 554. Price, $10.00. London and New York: Macmillan & Co., 1894.

which the retiring president, Dr. Daniel G. Brinton, of Media, Pa., will speak on "The Aims of Anthropology." On Friday, August 30, Monday, Tuesday and Wednesday, September 2, 3 and 4, a general session will be held each morning, and the sections will hold separate meetings in the afternoon.

THE AMERICAN SOCIAL SCIENCE ASSOCIATION announces that its general meeting for 1895 will be held in Saratoga from September 2 to September 6. The opening address will be delivered by the President, F. J. Kingsbury, LL. D., on the evening of September 2. His subject will be "The Tendency of Men to Live in Cities." Each of the following four days will be devoted to one of the departments of the association: Tuesday, to the Department of Education; Wednesday, to the Department of Health; Thursday, to the Department of Jurisprudence, and Friday, to the Department of Finance and Social Economy.

Friday morning will be taken up with a discussion of the Silver Question; the first paper being on "The Silver Problems of the World" by Professor J. W. Jenks, of Cornell University. This will be followed by a conference opened by President Francis A. Walker, and continued by Comptroller Eckels, Senator Jones, of Nevada, Hon. Horace White, of New York City, and Mr. Patterson, of Tennessee.

THE NATIONAL PRISON ASSOCIATION of the United States announces that its annual congress for 1895 will be held in Denver, Colo., from September 14 to 18. The evening session on Saturday, September 14, will be devoted to the addresses of welcome and the annual address of the president, General R. Brinkerhoff. On Sunday morning, Rev. Wm. F. Slocum, D. D., will preach the annual sermon. In the evening, there will be addresses by Rev. Frederick H. Wines and Miss Jane Addams on "Methods for the Prevention of Crime." On Monday morning, the meeting of the Wardens' Association will be held, and in the afternoon the meeting of the Chaplains' Association. At this session, Rev. J. H. Albert, of Stillwater, Minn., will read a paper on "Barriers Against Crime." At the Monday evening session, Professor Amos G. Warner, of the Leland Stanford Jr. University, will read a paper on "Politics and Crime." On Tuesday and Wednesday, September 17 and 18, the morning and afternoon sessions will be devoted to committee meetings. On Tuesday evening, Rev. J. H. Crooker, of Helena, Mont., will deliver an address on "The Ethical Aspects of Crime."

A CALL, DATED New York, July 15, 1895, has been issued for a conference of the friends and advocates of Proportional Representation, to be held at Saratoga, opening on Tuesday, August 27, 1895, and continuing probably three days. The meetings will be held in the Court of Appeals room, under the auspices of the Proportional Representation Society of New York and the American Proportional Representation League. They will be open to the public. All friends of this method of electing representatives to legislative bodies and those interested in the cause of good government, are invited to attend.

Hon. William Dudley Foulke, of Richmond, Ind., will preside over the sessions. Papers or reports to be read should be sent to the Secretary of the Committee of Arrangements (M. N. Forney, 47 Cedar St., New York City), early enough to be printed. The members of the committee are authorized to receive or decline any of them; assign places in the proceedings for such as are accepted, and invite speakers to discuss them. Advocates of the reform and others interested therein, unable to attend the meetings, are invited to send short papers or reports of the progress and results of the working of proportional representation, wherever it has been adopted.

Appended to the call is a brief exposition of proportional representation; what it is, what it will do, and how it will do it.

NOTES ON MUNICIPAL GOVERNMENT.

[This department of the ANNALS will endeavor to place before the members of the Academy matters of interest which serve to illustrate the municipal activity of the larger cities of Europe and America. Among the contributors are: James W. Pryor, Esq., Secretary City Club, New York City; Sylvester Baxter, Esq., Boston *Herald*, Boston; Samuel B. Capen, Esq., President Municipal League, Boston; Mr. A. L. Crocker, Minneapolis; Victor Rosewater, Ph. D., Omaha *Bee*, Omaha; Professor John Henry Gray, Chairman Committee on Municipal Affairs, Civic Federation, Chicago; Jerome H. Raymond, Ph. D., University of Chicago; F. L. Siddons, Washington, D. C.; Donald B. MacLaurin, Esq., President Civic Federation, Detroit, Mich.]

AMERICAN CITIES.

Philadelphia.—Recent events serve to illustrate very clearly the peculiar relations existing between State and municipality in this country, and more especially the dangers which accompany a departure from a unified and well co-ordinated form of government. The history of the Public Building Commission of Philadelphia is the history of an attempt, extending over a period of twenty-five years, to burden the inhabitants of the city with the construction of the most expensive city hall of modern times. The continued protests of the citizens have been of no avail as against the determined purpose of the State Legislature. When, in 1893, a bill for the abolition of the Commission was passed by both houses and approved by the Governor, there was a momentary feeling of relief which was dispelled by the decision of the Supreme Court declaring the act to be unconstitutional. At the time when the Commission was established, it appeared, to many, to be the safest means of carrying on so large an undertaking. Time, however, has shown that such public commissions, when removed from popular control, cannot in the long run withstand the temptations bound to beset them. We have here, on a small scale, an illustration of the inadequacy of the temporary expedients to which our cities are apt to resort in order to meet manifest evils. Instead of facing the problem squarely, we follow the path of less resistance which does not always mean the path of progress. The recent application of a large manufacturing concern,* asking the courts to compel the city to levy a special tax for the payment of bills which have been due for some time, has brought to light the peculiar business methods of the Public Building Commission. The construction of the tower of the new City Hall according to the original estimates, was to cost about $325,000. It was made the

*Tacony Iron and Metal Company.

subject of a special contract between the Commission and a company specially incorporated to do the work. Instead of receiving bids at a fixed price, the Commission agreed to pay the cost of machinery, materials, tools and labor which would be necessary in the construction and setting up of the iron work used for the tower. Furthermore, to pay to the company a bonus or profit of fifteen per cent of the cost of construction, and, finally, to engage a superintentent of construction at a salary of $208 per month, and a civil engineer at a salary of $416 per month. These two officials are at the same time the president and vice-president of the Construction Company. It will be seen that the Commission has thus involved itself in a complicated arrangement with a company in which the city is a silent partner. Under this system, it is impossible to get at the exact relation which the price at present paid by the city would bear to the ordinary competitive contract cost of construction. Up to the present time the cost of the tower alone has been nearly $675,000. It is impossible to foretell the exact cost of completion.

The veto of the Governor has recently been the means of averting a threatened obstacle to the extension of municipal public works in the cities of Pennsylvania. Some months ago, an act was passed requiring cities to compensate existing gas companies before constructing municipal gas works. The opportunity thus afforded to companies owning antiquated gas plants to recoup themselves from the public treasury was manifest to all, and, in fact, was one of the main influences behind the bill. An attempt to prescribe similar conditions, whenever a city should determine to construct an electric light plant, has met with the determined opposition of the Governor, in spite of the concurrence of both houses of the Legislature and of City Councils in advocating the measure. Governor Hastings in his veto of the bill said: "I am of the opinion that the furnishing of light, at least for municipal purposes, is a proper function of the municipality as such, and that it should not in any wise be abridged by legislation. To permit this bill to become a law might, and in all probability would, in many instances, require the people of the municipality, by taxation, to pay for what they do not want and what they could not use, for the sole benefit, not of the public, but of the stockholders of the electric light company."

An interesting question has arisen in regard to the right of officers of corporations having contracts with the city, to hold seats in the local legislature. Article XIV, Section 1 of the act of incorporation applying to the city of Philadelphia, provides, that

"No contract for work to be done for, or property or materials to be sold or supplied to, any city of the first class, or any department thereof, shall be made with

any councilman, officer, or employee of such city, or with any firm, co-partnership, or association of which such councilman, officer or employee is a member, and if any councilman, officer or employee, during the term for which he shall have been elected or appointed, knowingly acquire an interest in any such contract, he shall forfeit his office."

The position of one of the members of the lower branch, who is also general manager of the Brush Electric Light Company, which has large contracts with the city for lighting the streets, has been attacked by the Twenty-ninth Ward Association of the Municipal League. The District Attorney has rather reluctantly, it is true, instituted *quo warranto* proceedings. Although the matter will not come up for adjudication until the fall term, the question is one of great importance, involving, as it does, the position of a number of the members of Councils, both in this and other cities.

The City Councils have recently granted a number of important and valuable franchises to private companies without stipulating for any immediate return, nor even assuring the city of an ultimate participation in the profits of what must become, in time, extremely important and profitable enterprises. The first of these is what is known as the "Steam-Heat Ordinance" which gives to a company the right to lay pipes and conduits in the most densely settled portions of the city for the purpose of supplying heat, light and power derived from other products or agencies. The only return which the city is likely to receive, is the free heating of fire and police stations; but only then, when the company has introduced its system in the immediate neighborhood.

Another ordinance gives to the Pneumatic Transit Company the use of the streets, practically free of charge. An attempt was made in Select Council to insert a provision requiring the company to pay three per cent of its gross receipts into the city treasury. This provision was, however, stricken out by the lower branch and a clause substituted providing that the rate of remuneration should be fixed after the system has been put into operation. The experience of the French government in Paris with such a system applied to one very small branch of its possible use, namely, the transmission of messages, is conclusive proof of the possibilities involved in its extension to the transmission of packages. At all events, to await the operation of a system before prescribing any conditions or obligations can hardly be justified as good business policy.

The annual report of the City Parks' Association of Philadelphia which has just been published, shows a remarkable increase in the number of smaller parks which have either been opened or are being prepared for public use in various sections of the city. The Association

has been untiring in its efforts to bring before Councils the necessity of making some provision for small breathing places in the crowded sections of the city. According to this report, it would seem that Councils has made ready response to the desires of the Association. Since 1888 some twenty-seven small parks, ranging from .15 of an acre to 30 acres, have been placed upon the city plan. The Association thoroughly appreciates the fact that the situation of Fairmount Park prevents it from meeting all the needs of the city as regards park space. To thousands of the poorer classes it is almost inaccessible.

The assessment for 1895 of real and personal property, subject to taxation, shows an increase of $12,747,152 as compared with 1894. This is the smallest increase since 1884. The causes are to be found in a less rapid progress of realty improvement, and the decrease in valuation of horses owing to the introduction of the trolley system. As to the latter, the assessed valuation in 1894 was $3,484,155, whereas in 1895 it was only $2,528,082. The total valuation of real and personal* property is $782,677,694, as against $769,930,542 in 1894.

New York City.—The assessment for 1895, which has just been completed, shows a total increase of but little over thirteen million dollars over that of 1894. This is an exceptionally small advance, the average increase being between forty and fifty millions. The change is due mainly to the falling off in personal property valuation which shows a decrease of nearly nineteen and one-half millions. The increase in real estate valuation is nearly thirty-three millions. As a result of this

	1894.	1895.	Increase.
Real estate	$1,613,057,735	$1,646,028,655	$32,970,920
			Decrease.
Personal property	390,274,302	370,919,007	19,355,295
Total assessed valuation .	$2,003,332,037	$2,016,947,662	$13,615,625 (Total increase.)

small increase in the valuation, it will probably be necessary to increase the tax rate. The Board of Estimate and Apportionment is prepared to do this, rather than follow the former policy of an inadequate tax-levy which necessitates encroachment upon the tax receipts of the following year.

Status of the Reform Movement in New York City.†

In June, the time within which the law permitted Mayor Strong to remove the heads of departments without cause expired. Among the

*It is to be noted that the personal property here referred to only includes horses and cattle, carriages to hire, and money at interest. This is all the personalty subject to taxation.

† Communication of James W. Pryor, Esq.

last appointments made by the mayor were those of nine city magistrates and five judges of the new court of special sessions. These appointments were made under the law abolishing the office of police justice and creating the office of city magistrate and the new court of special sessions with much more important powers than those of the old court of the same name. While it might be possible to criticise some of these appointments, they are so good that they afford excellent reason for rejoicing that decent and honest men have taken the places of the disgraceful Tammany police justices. In most of the city departments the wholesome effect of the business-like methods of the new administration are becoming apparent. No one can study the work of the departments without discovering that the old spirit of indifference has been replaced by diligence and efficiency.

The subject that has excited the most attention from the newspapers and, perhaps, among the people, for some time past has been the enforcement of the law forbidding the sale of liquor on Sunday. The controversy has been carried on for weeks with great vigor, and promises to continue for weeks to come. The police commissioners simply announced that the law would be enforced by the police, and proceeded to stop the Sunday selling of liquor. The enemies of good government endeavored to make use of this episode to create a sentiment against all municipal reform movements and bodies.

On the nineteenth of June appeared in the *New York World* a long interview with Mayor Strong in which he defined his attitude as to appointments to public office, in the following language:

"After mature reflection I decided that I would give one-third of the offices to the Democratic organizations that had supported the reform movement and helped to elect me and two-thirds of the offices to the Republicans. I have adhered to this. I calculated the vote as well as I could and decided that I had got about 100,000 votes from the Republicans and about 50,000 votes from the Democrats, and therefore the apportionment of offices at the rate of one for Democrats and two for Republicans seemed fair and just."

Speculation is rife as to the probable form that will be assumed by the political battle of next November in this city; but as yet no one can secure much consideration in the character of prophet. Many look for the success of Tammany Hall in the election; and, indeed, we can hardly expect to see an anti-Tammany combination like that of last year. It is not probable, however, that the Good Government Clubs will content themselves with the mere passing of resolutions, and the politicians are awaiting with some anxiety the further action of an organization which has shown a fighting capacity that has won the respect of those to whom it has been opposed.

In addition to several local officers, nine judges of various courts are to be elected this year in New York City, and the Good Government Clubs think it important that an effort should be made to secure the selection of judicial candidates upon a non-partisan basis. The clubs have adopted the following general plan of campaign:

1. That for all city and county offices to be filled by election this year strictly independent nominations be made by the non-partisan organizations combined, or through some new machinery created to represent the independent voters, provided that candidates be secured of such character and standing that they will inspire confidence in the community and will of themselves command a strong following.

2. The assistance of the Bar Association be sought in securing the nomination of eligible candidates for all judicial offices to be filled at the next election.

3. That the demands made with regard to legislation should be limited as far as possible to two, namely: (a) the passage of a law providing for a special commission to prepare a complete, comprehensive municipal code for all cities in the State, together with any necessary constitutional amendments; and (b) opposition to all special city legislation not absolutely indispensable pending the final report of the commission. That the proposition to provide for the appointment of a commission to prepare a plan of government for all the cities of the States be reduced to the form of a bill as soon as possible, and that the issue be made upon that concrete proposition.

4. That the attempt be made to secure in each assembly district the election of a candidate for the assembly named by the independents, and that men of the highest character and ability be persuaded to run for the assembly as a patriotic duty.

5. That notwithstanding the fact that State Senators elected this year will participate in the election of a United States Senator, efforts should be made to secure the election of only such candidates as Senators as will pledge themselves to the above propositions for city legislation, and whose character and standing command public confidence.

6. That the direct efforts of all the independents of this city should be confined, for the most part, to work in the local campaign and that, incidentally, our sympathizers throughout the State should be encouraged to make a similar fight for honest assemblymen, committed to the plan proposed for municipal legislation.

7. That the active, aggressive work of the campaign should be begun as soon as the necessary arrangements can be made and the agitation and education should be pushed vigorously through the summer.

8. That a campaign upon the lines indicated should be begun at the earliest practicable moment under the management of a joint campaign committee consisting of the representatives of the Good Government Clubs, to be appointed by the president of the Council, the City Vigilance League and the City Club, a majority of the committee to be appointed from the Good Government Clubs.

Brooklyn.—The Cities Committee of the New York Legislature is at present conducting an investigation of the Charities Department of Kings County. Up to the present time, no important disclosures as regards corruption in the management of the service, have been made. There are distinct indications, however, that for many years past the department has been expending sums far in excess of the actual return to the city.

Boston.*—A commission of three citizens prominent in business and finance was appointed by the mayor early in the year to report on the finances of the city. The report was submitted in June. A leading source of extravagant expenditure was found to lie in the tendency to increase the salaries and wages of employes above the level of private employment. As a partial remedy for this it was recommended that in all departments salaries be graded according to length of service, as has been done with excellent results in a few. When the salary of an office has been advanced it has been customary to give a new appointee the same compensation, but under a graded system this would not be done. It was found that the law fixing a limit to municipal indebtedness is made to a great extent inoperative, through the permission so frequently given by the Legislature to borrow money outside the debt limit. It was therefore recommended that the debt limit for municipalities be fixed by constitutional amendment, and the law fixing the maximum rate of taxation be repealed. It was also recommended that a percentage of the gross receipts of the street railways be paid to the city and applied specifically to the maintenance of the public parks; that the liquor license fees be increased, and that the leases for stalls in the markets be sold at auction.

FOREIGN CITIES.

London.—The activity of the London County Council at the present time illustrates very clearly the difficulties of dealing with the slum problem in a great city. The powers given to English municipalities by the "Housing of the Poor" acts, are wide enough to meet the

* Communication of Sylvester Baxter, Esq., Boston.

most pressing need; but limit to too great an extent their discretionary power as to the precise method of execution. One great step in advance was the recognition of the right of a municipality, upon receiving the assent of Parliament, to exercise the power of eminent domain in clearing unsanitary districts. The efforts which have been made in American cities to remedy the worst evils in the slum districts, have been continually thwarted by the unwillingness of landlords to part with their property at anything less than exorbitant prices. This is a natural result of the profitableness of investments in slum property. At the present time, the London County Council has several important schemes on hand, the largest of which is the "Bethnel Green Improvement." At a recent meeting of the Council, it was decided to aid one of the local vestries in the work of clearing one of the worst districts in Southwark. In order to divest itself of the responsibility of constructing on the cleared tract a series of artisans' dwellings, the Council has decided to apply to Parliament for power to lease the land to a construction company for such purposes. The gradual increase of schemes of this kind will soon make itself felt in the death-rate and general moral tone of these districts. Sooner or later American cities will be compelled to look to London for the most striking examples of the possibilities of public action in the solution of one of the most difficult problems of modern city life.

Much of the time of the recent sessions of the London County Council has been devoted to an extremely important municipal question, namely, the substitution of public for private ownership of the water works.* According to all indications the struggle in Parliament over this question will be a protracted one. While the County Council is willing to compensate the companies for the loss of their franchise, they are not prepared to meet their extravagant demands. The final outcome will undoubtedly be the extension of the authority of the County Council either through direct administration, or more detailed control of this service. Everything, however, will depend upon the willingness of Parliament to pass a special measure authorizing the Council to take over the plant of the present companies at a price to be fixed by arbitration.

The lack of adequate transportation facilities which has for a long time occupied the attention of the public authorities is likely to be remedied in the near future through the construction of an additional series of underground electric roads to run through the centre of the city. The company has been incorporated and all arrangements have been completed for the construction of such a road from Shepherd's

* See ANNALS for July, 1895, p. 177.

Rush Station to Liverpool Street Station. This road will extend in almost direct line along Uxbridge road and Oxford Street, thus reaching a section of London which has hitherto been dependent exclusively upon the slow means of transportation afforded by the omnibus companies. The narrowness of the streets of London will hardly permit of elevated roads, while the substitution of electricity for steam will obviate many of the more disagreeable features of the underground system.

The annual address of the Chairman of the London County Council contains an interesting review of the work of the year. Sir Arthur Arnold calls attention to the large average attendance at the meetings of the Council—128 of a total membership of 138—whereas the average attendance at the House of Commons on the busiest day (Thursdays) was but 336 out of a membership of 670 He strongly resents the imputation that the assumption of the water supply, artificial lighting and markets by the County Council will prove too great a strain on its administrative capacity. In reviewing the financial situation, the chairman showed how revenue is made to meet outlay in contrast with the system of the central government of adjusting outlay to revenue. The financial condition is very satisfactory. Of a total bonded indebtedness of £34,001,492, over £12,000,000 has been loaned to local authorities. Referring to the "unification scheme," the necessity of an early consummation of this long-promised reform is commented upon. In the problem of main drainage, considerable progress has been made toward the effective disposal of the sewage. A portion of the solid sludge is being transported to sea by six vessels belonging to the Council, and some extensive experiments are being made with a new filtration process. As to the housing of the working classes, the report of the committee does not show completely satisfactory financial results, owing to the fact that they were compelled to erect dwellings on sites which private enterprise would not touch. As a result on a total capital outlay of £146,785, there is the probability of an annual deficit of about £670. Referring to the Public Works Committee which has been doing such excellent work during recent years, the chairman said: "Trades union rates of wages, in practice obtained by the co-operation of employers and employed, was the only rate of payment which could meet the just claims of the whole body of electors, and the adoption of that rule undoubtedly led to so much difficulty with contractors that the institution of a Works Committee was the unavoidable result."

The provisions of the Allotment Act are being applied with great success in the east end of London. An average profit of £40 to the acre is being realized on small holdings of one-eighth of an acre.

*Municipal Fire Insurance.**

A new development in municipal enterprise is being considered by several English municipalities. It is in the direction of municipal fire insurance. The consideration of such a system was not taken up voluntarily; it was forced on the municipalities by the action of the fire insurance companies. It has always been the custom of London Councils, County Councils and other public authorities when insuring new buildings or re-insuring old ones to ask tenders from insurance companies. This was according to the usual competitive system adopted by all public bodies in every department. But the insurance companies thought they had quite enough competition among themselves in other directions, and resolved some time ago to form a ring against public bodies. A tariff committee was appointed representing all the insurance companies and every invitation to tender received from a public body is sent to this committee. Thus every quotation made to the municipalities by different companies is precisely the same. Not only so but while they were about it the insurance companies thought they might have a further advantage by enormously increasing the insurance tariff for public property. The result is that the corporations of Glasgow, Manchester, and the London County Council are now considering schemes for municipal fire insurance.

There are two ways for municipalities to take up municipal insurance. One is to stop at the insurance of their own property; the other is to insure the whole property in the city. About the former there is no difficulty, provided the property owned by the municipality is fairly extensive and varied. And all large English and Scotch cities, with their water works, gas works, electric lighting works, public libraries, technical schools, art galleries, baths and wash houses, tramways, fire and police property, municipal artisan dwellings, and lodging houses, together with a large amount of real estate acquired in connection with improvement schemes—with all these varied and extensive municipal assets the leading cities have sufficient property for which to establish a fire insurance bureau. A successful experiment is already in existence. The London School Board insures its own property. It lays aside every year premiums toward an insurance fund which is invested at four per cent from which loss from fire will be covered. There is, therefore, no apparent difficulty about the London County Council acting as its own insurance authority. There are, however, about a hundred public authorities in London, and the more practical scheme which is suggested is that all these bodies should unite in the creation of a municipal insurance bureau. The risk in

* Communication of Robert Donald, Esq., editor of "*London*."

this case would be distributed over a large variety of property and the expenses of management would by combination be greatly reduced. A committee of the County Council is giving its attention to this subject just now, and it is probable that during the year a scheme will be produced.

The other question of a municipality entering into the general business of insurance is a much more complex and difficult problem. The suggestion is of course not new. The question was raised in Boston many years ago and several reports have been issued on the possibilities of municipal or state insurance.

Thirty years ago a project of municipal insurance was made in Manchester, but it never got beyond a very theoretical stage. It is instructive to note that the Corporation of the City of London gave very good reasons why private fire insurance companies should never have been established. After the great fire in London certain shrewd gentlemen went to the king and suggested that they would insure the whole of the property if they could levy a tax for the purpose. They were to assure a certain amount of protection against fire and to rebuild houses destroyed. The king and his attorney-general granted permission to establish this insurance monopoly, but the city corporation stepped in and stopped the scheme on the ground "that they thought it unreasonable for private persons to manage such an undertaking or that any one but the city should reap the profit of the enterprise." The corporation proceeded to develop a scheme of its own and actually established a municipal fire insurance bureau. If it had made its system compulsory it would have succeeded, but no obligation to insure was prescribed. The corporation was also too slow in maturing its scheme. Private enterprise had stepped in and offered better terms than the corporation. Whether it was competition or the disturbing influence of the Commonwealth and the Restoration that killed the scheme is not recorded, but it disappeared. In general it may be said that the systems of fire insurance and fire protection should never have been separated. In London up to 1865 the fire brigade was owned and managed by the insurance companies. Fires are not numerous in English cities and are decreasing every year. In London, for instance, the capacity of the fire brigade has been increased a hundred per cent during the last six years. The municipality does everything possible to prevent fires, and the insurance companies reap the benefit. The maintenance of a competent fire brigade is not the only expense incurred by the municipality to prevent fires, increased supplies of water at high pressure must be provided. New regulations are constantly being put in force to safeguard public and private buildings. A general scheme of municipal fire insurance is a matter which

deserves investigation by municipal authorities. In the meantime, and as a step toward this greater development of municipal action, we are likely, before long, to see several English municipal corporations acting as the insurance authorities for their own property.

Paris.—The French government has again taken up the question of the reform of the "*octroi*," but has hesitated to apply its principles to the city of Paris, owing mainly to the enormous fixed charges of the city in the payment of interest and liquidation of the local debt. The indications at present are that the other French communes will, within the next few years, derive an increasing portion of their revenue from direct taxation, and thus bring the system of local taxation more in harmony with a just distribution of public burdens. Paris, however, remains bound to this unfortunate form of taxation, whose only justification seems to be the enormous revenue derived therefrom.

MAGAZINE ARTICLES.

The *Engineering Magazine* for August contains three interesting articles dealing with an equal number of pressing city problems. In the first, on "The Trolley in Competition with the Railroad," by Clarence Deming, the author points out the favorable physical and economic conditions which have led to the growth of the trolley system. In spite of a legislature dominated by the railroad corporations the system has had a remarkable development. It was not until 1893 that the legislative obstacles to the construction of trolley lines were removed; and even then only partially. During the two years since 1893, 289.7 miles of such road have been constructed, with a capital stock of $8,566,000 and a bonded indebtedness of $6,662,000. Forty-one additional lines involving 381 miles of track are projected. The parallel competition between the electric and steam roads has made itself felt in the decreased passenger traffic of the latter. Thus in twelve short distance runs of from two to six miles between different towns the railroad traffic has decreased nearly 55 per cent.

Mr. William Stevenson in an article on "uninhabitable houses in city slums" endeavors to show that individual ownership is not the best guarantee for sanitary construction and care of dwellings. While disclaiming any intention of placing the ownership of house-property in the state or municipality, he advocates a system of joint ownership by stock companies. This system is to be applied more especially to workingmen's houses. One such company is in existence in Glasgow, —"The Glasgow Workman's Dwelling Company, Limited." The paid up capital is about $75,000, and although the expenses of recent organizations absorbed one-third of the profits, a dividend of 3½ per

cent was declared. The chief work of the company consists in buying up unsanitary dwellings and putting them into good condition.

Mr. John Birkinbine contributes an article on the "Improvement of the Delaware River and the Harbor of Philadelphia" in which the various plans now under consideration are discussed. The writer comes to the conclusion that when the improvements are completed Philadelphia "should be in a position to compete with any other American city on the Atlantic Coast for foreign trade."

The *Street Railway Journal* for June contains a complete description of the street railway system of St. Louis. The eleven rival companies operating over 290 miles of road have introduced the latest appliances in electrical locomotion, thus making the system of special interest to those cities where the trolley system has been but recently introduced.

The July number contains a very valuable article giving full statistics concerning the mileage, cars, stock and funded debt of all the street railways of the country. The figures given are of special interest when compared with the recent development of the railroad system of the country. We reserve a fuller discussion of this subject for the November number of the ANNALS.

The *Review of Reviews* for August contains an excellent description by Jacob A. Riis, of the "Clearing of Mulberry Bend." This famous or rather infamous slum district is to give way to a city park. Mr. Riis gives a vivid picture of the degradation and crime connected with the history of these 2.7 acres. The obstacles which the efforts of those interested in the movement encountered from politicians generally, and the State legislature in particular, is an instructive lesson in American local politics. The cost of the improvement will be about $1,567,000, but with it will disappear one of the worst plague spots in any American city, the home of the most degraded population of New York.

In the *American Magazine of Civcis* for July, Clinton Rogers Woodruff, Esq., gives a summary of the progress of municipal reform movements during the year 1894-95. The number of new organizations and the increased vigor and activity of the old makes a most encouraging outlook for the success of the movement.

SOCIOLOGICAL NOTES.

[The editor of this department is glad to receive notes on all topics of interest to sociologists and persons working along sociological lines in the broadest acceptation of the term. It is not the purpose of these columns to define the boundaries of sociology, but rather to group in one place for the convenience of members of the Academy all available bits of information on the subject that would otherwise be scattered throughout various departments of the ANNALS. The usefulness of this department will naturally depend largely on the measure of co-operation accorded the editor by other members of the Academy.

Among those who have already indicated their interest and willingness to contribute are such well-known workers along sociological lines as Professor F. H. Giddings (Columbia College), Professor W. F. Willcox (Cornell University), Dr. John Graham Brooks (Cambridge, Mass.), Dr. E. R. Gould (Johns Hopkins University), Mr. John Koren (Boston), Hon. Carroll D. Wright (Washington, D. C.), Professor E. Cheysson (Paris), Mr. Robert D. McGonnigle (Pittsburg, Pa.), President John H. Finley (Knox College), Professor D. R. Dewey (Boston), Rev. Dr. L. T. Chamberlain (New York), Dr. Wm. H. Tolman (New York), Dr. D. I. Green (Hartford), Mr. Robert Donald (London), Giuseppe Fiamingo (Rome), Miss Emily Green Balch (Jamaica Plains, Mass.), Miss M. E. Richmond (Baltimore, Md.), and others.]

The Theory of Sociology.—*Social Classes.* In addition to the comments made in the last number of the ANNALS on Professor Giddings' paper entitled, "Is the Term 'Social Classes' a Scientific Category?" we would call attention to another attempt to establish tentatively an ideal classification of social facts and factors intended to unify somewhat the movement of statistical inquiry. Mr. Oscar Woodward Zeigler, of Baltimore, in a paper submitted to the Academy, makes the following suggestions: "Every social unit may exist as to quality, *i. e.*, direction of expression in four orders; Supersocial, Social, Unsocial, and Antisocial. A unit is 'social' when its existence is a utility to the social organism in which it maintains itself. A unit is 'unsocial' when it maintains itself at the expense of the social organism in which it exists. A unit is 'supersocial' when its existence is a profit to the social organism which maintains it. A unit is 'antisocial' when it is maintained at a greater or less loss by society; being itself incapable of social existence.

"The social and supersocial orders, in contradistinction to the unsocial, and antisocial orders, may be called the social orders; the latter in contradistinction to the former may be called the nonsocial orders.

"Every social unit must exist as to potentiality, *i. e.*, as to its power of self-expression, in one of three degrees: Strong, Normal, Weak

or Subnormal. By potentiality is meant the power with which a social unit impresses its quality on, or maintains it against, the social organism.

"A unit is strong, or supernormal, when it impresses its quality on the social organism. A unit is normal when it maintains its quality in the social organism. A unit is weak, or subnormal, when it is unable to maintain its quality against the impress of the social organism. The strong and the weak may be called in contradistinction to the normal, the abnormal classes.

"We would distinguish therefore twelve True Social Classes:

1. Strong Supersocial class . . . . . The executive man.
2. Normal Supersocial class . . . . . Directed industrious.
3. Weak Supersocial class . . . . . Improvident.
4. Strong Social class . . . . . Small factor.
5. Normal Social class . . . . . *Comme il faut* class.
6. Weak Social class . . . . . Inefficient.
7. Strong Unsocial class . . . . . Executive criminal.
8. Normal Unsocial class . . . . . Criminal by circumstance.
9. Weak Unsocial class . . . . . Criminal insane.
10. Strong Antisocial . . . . . Maniac, etc.
11. Normal Antisocial . . . . . Riot class.
12. Weak Antisocial . . . . . Idiot, innocent, etc.

"Classes 6, 3, 9, 12, are the vistage classes, unsuited, and left behind in the progressive movement of society. Classes 2, 5, 8, 11, the dominated classes. Classes 1, 4, 7, 10, the dominating classes: Ten is eliminated by the conscious constraint of society. Classes 10, 11, 12, are the degenerate, or rather abgenerate classes.

"The study of the strong classes gives the trend of social movement; that of the normal establishes the general average of social thought; the weak represents the social waste product."

Mr. Zeigler adds the following observations in connection with the above classification.

"Classes 1, 2, 3, 4, 6, 7, are readily obtainable by statistics.

"Class 8 is the Reformable Criminal. As he is normal in potentiality, the unsocial quality has displayed itself through the impress of compelling or unfavorable circumstances. The remedy consists in the education and strengthening of the antagonistic social trait, the removal of the compelling circumstances and the application of social compulsion.

"Class 9. The criminal insane so called. Units weak, unable to impress themselves on society, nevertheless make use of the quality when able. Sneak thief, true tramp, etc.

"Class 11. This class is interesting, not readily obtainable. Being in quality antisocial, yet as they are not strong to impress their quality against society, they are not detected, nor yet, not being weak, are

they impressed by society. I should call this the true riot class, which form the nidus, or nucleus of civic commotions. From this class the political assassin is likely to come, as the idea gives a momentary power to the anti-social instinct.

"Class 2. Not necessarily personally directed. Society is as potent as the strong man; and perhaps far more so.

"Class 4. Quality useful, and potentiality very strong, hence seeks to impress society, but succeeds in a small measure only because the utility is not of such a measure as to permit a wide range of adoption by society.

"Class 3. Quality useful, therefore usable, potentially weak, therefore cannot use themselves. The true improvident class.

"Note Class 6. Quality utile if used, but too weak to maintain it against difficulties. The labor costs more than it is worth.

"Class 5. Social enough to exist. Satisfied with existing."

Labor Question.—*Sweating System.* The tailors' strike in New York which attained rather large dimensions in July, is a repetition, on a somewhat larger scale, of the attempt which the tailors in Philadelphia made some time ago. Of course, questions of the right of employers to employ non-union labor and to refuse admission to their factories to walking delegates, and also matters pertaining to the hours of labor and minimum wages, have been brought into the strike. The intense feeling on the subject of the sweat-shop work, is the real factor which enabled the labor leaders to draw out so unanimous and hearty a response to their call for a strike. This issue is a meritorious one, and whenever it makes itself felt in any of our large cities, as it undoubtedly will in most of them, it is to be hoped that those interested in the cause of labor will not allow it to be jeopardized by linking it with other disputable demands, on which there is not an equal unanimity of opinion. The question is a delicate one, and employers are already beginning to waver in their decision that it is economically good for them to allow work to be done out of their shops. Under some circumstances, it may be advantageous for a manufacturer to cut garments in his own shops, and then hand them over in large lots to contractors who are financially responsible, and return them made up, without the cost of heavy rents and wages of superintendents, which the doing of the work in the shops of the manufacturer would necessitate. The presence in some of our large cities of a large immigrant population of the lowest type of civilization, huddled and crowded together in small quarters, and willing to take such work home to do at all hours of the day and night, under the most unsanitary surroundings, and at very low prices, enables the manufacturers and contractors to carry on the sweating system. But the public is

beginning to realize some of the dangers by way of the spread of disease which such work entails, and the public eye-sore that these sweat shops present in so many localities of our large cities, has caused public opinion to assert itself and public interest to be intensified. It will not be long before the manufacturer of made-up clothing who can by label, or otherwise, convince his patrons that the goods are wholly made on the premises, will have an advantage over his competitors in the market. In Philadelphia one manufacturer has already taken this step, and others, among them some of the largest, are seriously considering it.

Labor Co-partnership.—The co-partnership movement in England, to which Messrs. Henry Vivian and Aneurin Williams have devoted such arduous labor, is making rapid progress and attaining some very satisfactory results. Mr. Vivian gives an account of the Co-operative Congress of 1895—which met at Huddersfield, England,—in the July number of the *Economic Review*. The Congress opened June 1, at which time the Co-operative Exhibition was opened. Mr. Greenwood in his opening remarks, referred to the remarkable progress that co-operation had made since he began co-operative work, and expressed a belief that the application of this principle to industrial life at large, would solve the labor question.

The leaders in this work in England are thoroughly in earnest and are making a noble philanthropic effort to raise the standard of life among the laboring population. All attempt to introduce into the various co-operative societies, business methods that have the slightest tint of dishonesty, deception in quality of goods, etc., which is quite universal in competitive concerns, has been discountenanced, and every effort has been made to maintain truth and purity as the first condition of life and labor, and honesty and justice in every commercial and industrial relationship.

There are in general two schools of thought within this movement. One section divides its profits, not among the workers; but among the retail societies which are its consumers, and is more largely influenced in its methods by the demands of consumers than by the needs of the workers. In other words, it emphasizes the principle of co-operation among consumers for their own benefit. This is perhaps the strongest and most popular phase of the movement in England, and also the most successful as the history of the English co-operative stores abundantly testifies.

The other section divides its profits between capital and its customers and its workers. It emphasizes co-operation on the part of the laborers for their own benefit, and is perhaps the higher ideal of co-operation, certainly when considered as in any way a solvent for

labor troubles. The worker is supposed to be invested with new ideas, new duties, and new responsibilities, all of which tend to make him a more contented workman and a more intelligent citizen with a higher standard of life.

M. de Buyoe, the representative of French co-operators, gave to the Congress some statistics showing the progress of co-operative production in France. He spoke of the fact that French co-operators are united on the principle of the participation of the worker in the profits, and said that in spite of the prediction that their largest societies would be a failure,—the Familistère of Guise is more flourishing than ever, and its assets of all kinds amount to 449,426 pounds, or more than double the share capital, and the profits to be divided amounted in 1894 to 10,503 pounds.

Some dispute took place in the Congress as to the desire of the delegates to make their Congress in the future representative of the co-operative store movement, and not of co-operation in all its forms. The subject, however, was left over for fuller discussion next year.

Unemployed. Two English governmental reports have recently appeared dealing with the subject of the unemployed, and together with the report of the Board of Trade on this subject, constitute a goodly source of documentary information on this subject for Great Britain. The reports are entitled "First and Second Report from the Select Committee (of the House of Commons), on Distress and Want of Employment, Together with the Proceedings of the Committee and Minutes of Evidence."*

The first report gives the results of 1194 replies which were sent out to all the sanitary authorities in England, asking questions as to the nature and extent of the distress. The commission sat every day from February 18 to March 4, and passed its report on March 11, in which it despaired of being able to make any recommendation which would be immediately applicable and could be reasonably accepted by Parliament without further inquiry.

The second report contains nothing except the reports received by the local government boards from local authorities in England and Wales, in reply to the circular of inquiry as to the extent of the distress.

Population.—*Vital Statistics.* Greater interest in obtaining uniform and complete statistics of a character that will be useful for social legislation and experiment, is manifest in all parts of the country. The secretaries of the State boards of health of the six New

* House of Commons Paper, No. 111. Folio. Pp. 195. Price, 1*s.* 9*d.*, and No. 253. Folio. Pp. 508. Price, 4*s.* 8*d.*

England States, have rendered good service in preparing a summary of the vital statistics of these States for the year 1892.*

The year 1892 was the first year that any such comparison for all the New England States was possible, because no compilation of the vital statistics of Maine was made until 1894, when the first registration report of that State for the year 1892 was issued. The secretaries announce their intention of issuing this summary at intervals of about five years. The second issue will, however, embrace the statistics for the year 1895.

Immigration.—The statistics of immigration in the United States for the fiscal year ending June, 1895, show a falling off in the number of immigrants to this country for the last year of about 35,000, the total reaching a lower point than it has for any year since 1879. Undoubtedly, this falling off was due to the financial depression and poor business opportunities of the past year. The quality of our immigrants, however, does not improve. The continued persecution in Russia brings to our shores an alarming number of Russian Jews, and other very undesirable elements of the modern European population constitute the general class of immigrants to this country. This lowest type of humanity seems to thrive here, and even in the sweat-shops and under the worst conditions that prevail among our laborers, they are undoubtedly better off than they were at home. This is poor comfort, however, for the maintenance of our standard of civilization, and it is certainly a public duty that ought not to be neglected, for all public-minded citizens to insist upon a strict enforcement of our immigration laws, and to help arouse a healthy sentiment in favor of further qualitative restrictions.

Sociology in Theological Seminaries.—Many theological seminaries have in recent years given considerable attention to sociological questions, and inserted in their courses some instruction, by means of public lectures and otherwise, in the social questions of the day. Several religious and denominational papers have recently employed the services of a trained specialist on these subjects, and the seminaries are now looking forward to the establishment of regular professorships of Sociology, on equal footing with the other subjects represented. Mr. Nicholas Paine Gilman, author of "Profit-Sharing Between Employer and Employe," and "Socialism and the American Spirit,"

* A Summary of the Vital Statistics of the New England States for the year 1892, being a concise statement of the Marriages, Divorces, Births and Deaths in the six New England States, compiled under the direction of the Secretaries of the State Boards of Health of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut. Pp. 59. Boston: Damrell & Upham; London: P. S. King & Son, 12 King street, Westminster, S. W.

has been appointed Hackley Professor of Sociology in the Meadville (Penna.) Theological School, and will enter upon his duties on October 1st.* The Meadville Seminary is to be congratulated upon this acquisition to its teaching force, and the sooner other seminaries fall in line and give the proper recognition to a study of man's relation to man, as well as his relation to God, the better equipped will our future clergymen be for dealing with the complicated problems of city churches, and the less we will be likely to hear of dogmatic theological controversies.

Charities.—*Charities Directories.* The multiplicity of charitable societies and efforts in large cities, has rendered necessary, as a part of the work of better organization and co-operation, the preparation of directories. New York City has just issued the sixth edition of its "Charities Directory."† It contains a carefully prepared résumé of the charitable resources of the metropolis—civic associations and congregational—and gives the legal title, location, special features, conditions, and modes of application to each, to aid citizens in dispensing their liberality, and to aid societies and private persons in directing objects of relief to the existing provisions for their peculiar need. It is a catalogue raisonné of all benevolent agencies, having general relations to the welfare of the working and dependent classes of New York City. It gives also a list of the leading charity organizations and benevolent societies in the United States and foreign countries. The Civic Club of Philadelphia has in hand a new directory of a similar character for that city. Boston has published several editions of her directory. Baltimore, Chicago, Buffalo, Cincinnati and San Francisco have all directories of their own. Perhaps the model piece of work of this kind, is that published by the Charity Organization Society of London, which makes a volume of over 1200 pages, and is prefaced with a 200-page Introduction, giving a full discussion of charitable principles, laws, and methods of management, written by that experienced authority, Mr. C. S. Loch.

In-Door and Out-Door Relief. It was doubtless to the recklessness with which out-door relief was given in England prior to 1834, that the evils of the English poor-law system became so marked, and have always excited peculiar attention and discussion. It was not long after the great reform movement in 1834, in which, for the time being, out-door relief was almost entirely curtailed, that England forgot her lesson and made further dangerous experiments in this

*See above, p. 97.

†"Charities Directory of the City of New York." Price, cloth, $1.00; paper, 50c. Published by the Charity Organization Society, 125 E. Twenty-second street.

method of dealing with pauperism. Mr. Goshen's famous circular in 1869 aroused the country once more, and led to the organization of that powerful private agency for dealing with pauperism—The Charity Organization Society. The battle respecting the merits of out-door *vs.* in-door relief, still wages, and every new literary contribution to the subject discusses this question afresh. Some recent statistics for Scotland, published by Mr. John Polson in the Paisley *Daily Express* (June 17, 1895), show conclusively that just in proportion as out-door relief has been administered—so entirely cut off in the periods from 1871 to 1894—the total number of paupers is decreased. There has been some difficulty in Scotland in furnishing in-door relief, because of the lack of ample poor-house accommodation. Of the 886 parishes in Scotland, only 480 have poor houses, either singly or in combination. In England several parishes or unions have abolished out-door relief altogether, while in Scotland Mr. Polson says he is not aware that it has been abolished in any parish.

Mr. W. Chance, M. A., of Trinity College, Cambridge, has just published a bulky volume of nearly three hundred pages, entitled "The Better Administration of the Poor Law," and he speaks very strongly against out-door relief. He says in the chapter which deals with the causes affecting the increase or decrease of pauperism :

"It can be seen very clearly how dependent the amount of pauperism is on particular methods of administration ; depression of trade ; bad weather ; strikes, etc., affecting only to a small extent, the pauperism of those unions which administered out-door relief very strictly." In view of several English publications which have recently advocated a return to a more liberal out-door policy, Mr. Chance's closing words on this subject are certainly very moderate :

"In conclusion, the author desires to emphasize the fact that the book does not advocate the immediate abolition of out-door relief ; but merely its restriction with a view to its virtual abolition. It is asserted that the new boards of guardians are likely to adopt an out-door relief policy. It is sincerely to be hoped that before doing so, they will consider the beneficial results which are shown in Chapter VII, to have followed on a change from an out-door to an in-door relief policy in certain unions. If they will pursue the same path, they will assuredly find it leading to reduced pauperism, to reduced expenditure for relief, to a marked improvement in the habits and morals of the poor by the encouragement of thrift and the discouragement of improvidence and vice."

Aged-Poor Commission. In England, the most recent event of great interest to charity workers, has been the appearance of the

report of the Royal Commission on the Aged Poor,* together with the minutes of evidence taken by that body. This commission has done much work since January, 1893, at which time it was appointed "to consider whether any alterations in the system of poor law relief are desirable in the case of persons whose destitution is occasioned by incapacity for work resulting from old age, or whether assistance can otherwise be afforded in those cases."

A very able commission, with the Prince of Wales as a member and in which he took an unusual personal interest, considered the two questions whether the English Poor Law was too severe on the old, and whether some national system of old age pensions ought to be established. Ten members of the commission, among them Lord Brassey and Mr. Loch of the Charity Organization Society, signed the majority report. Five members, including Mr. Chamberlain, Mr. Ritchie and Mr. Charles Booth, signed the minority report, and two members presented reports of their own. Other disagreements are manifest at various points throughout the report. The majority report answers the first of the two leading questions as follows:

"We are convinced by the evidence that there is a strong and prevalent feeling in favor of greater discrimination, especially in the case of the aged, between the respectable poor and those whose poverty is distinctly the result of their own misconduct. Unless this distinction is more clearly recognized than it has hitherto been, we fear that the agitation against the whole policy of the poor law, may gain in strength, and lead to changes which we should deprecate in the general interests of economy and morality. We think, therefore, that boards of guardians should be recommended to make careful inquiries into the antecedents of destitute persons applying for relief, whose physical faculties have failed by reason of age and infirmity, and that where it is found that such persons bear a good character, have made reasonable efforts, in accordance with their opportunities, to provide for their old age, and have not been assisted through the rates (excepting temporarily and under special circumstances of illness or misfortune), out-door relief should be offered, unless the infirmity of the applicant, the nature of his surroundings, the need of personal care, or other substantial considerations, should make it evident that the relief given should be in-door relief."

*A more extended notice of the work of this commission may be found in the *Economic Review* for July, 1895, in an article by Mr. Edward Cannan, entitled "The Stigma of Pauperism," and in the notes on Legislation, Parliamentary Inquiries, and Official Reports, from which latter source this note has been compiled. The report of the commission is published as Commons Paper, No. 7684. Folio, pp. 122. Price, 1*s.* Minutes of Evidence, C. 7684, Parts 1 and 2. Folio, pp. 536 and 530. Price 4*s.* 3*d.*, and 4*s.* 2*d.*

To the second question, the majority report makes answer: "We have carefully examined the various schemes for state assistance to the aged which have been submitted to us, and bearing in mind the great labor and thought expended on them, and the high public spirit and deep sympathy which inspired their authors, we regret that, in view of the financial and economic difficulties involved, we have been unable to recommend the adoption of any of the schemes as yet suggested, whether for endowment or assisted insurance."

The minority are of the "strong conviction that, even under the most favorable circumstances, poor law relief will be a most unsatisfactory method of dealing with the deserving poor in their declining years."

They believe that the question of old age pensions was not adequately considered by the commission, and that it should be given further attention by the government. Mr. Booth, Canon Blackley and Mr. Chamberlain each laid elaborate schemes for old age pensions or insurance against old age, before the commission, to which the majority report makes certain specific objections, chiefly grounded on the cost of any such experiment, the probable increase in taxes which their adoption would incur and the effect on wages.

Alcoholism and Public Charity in France. The Superior Council for Public Charity in France, has been giving special consideration to a report prepared by MM. les docteurs Magnan and Legrain, on the question of creating special asylums for inebriates. The committee, to which this question was referred, adopted the following resolutions, to be submitted to the whole Council:

First, inebriate paupers ought to be treated in special establishments. Until such establishments are created in the various Departments, such persons should be isolated in other institutions and placed in special quarters.

Second, certain changes are necessary in the law on drunkenness and the Poor Law of the thirtieth of June, 1838, which authorized the arrest of delinquent drunkards and inebriate paupers and their maintenance during such time as would be necessary to cure them. Every delinquent drunkard should be made the object of a critical report, in consequence of which the authorities should have power to place him in a special asylum for inebriates.

In addition to these resolutions, the Council expressed the wish, that in order that the evils of alcoholism might be diminished, the following public action might be authorized:

1. That an increased duty be placed on the production of alcohol in France, and stricter measures taken to guarantee the quality of such alcohol as is produced.

2. That the taxes which in any way affect wine, cider, beer, tea, coffee, and sugar, be reduced as much as possible.

3. That the license fees of saloons be increased.

4. That licenses be granted in the future only under stated conditions (according to the number of population, etc.).

5. That the sale of spirituous liquors be prohibited within the prisons, and that the quality of spirituous liquors sold in the military taverns of the state and municipality be submitted to a special supervision.

6. That a more rigorous application of the laws against drunkenness be insisted upon.

7. That the total abstinence societies and liquor organizations continue and assist a healthy reform commenced by these asylums.

8. That the establishment of restaurants and eating-houses for total abstainers may complete this group of curative means to resist alcoholism.

The Church and Social Reform.—The eleventh census volume on churches has just appeared, and the corrected returns show that there are in the United States over twenty million communicants belonging to some one or other of the 165,000 religious organizations which again are grouped under 143 denominational names. This probably means that considerably over half of our population is in some way connected with some church congregation, when we add to the communicants those who are not communicants but more or less regular attendants. The seating capacity of the churches of the United States is able to seat at one time over two-thirds of the entire population. In a country where the religious life finds so many outlets and is so free to express itself according to the individual conscience it is not surprising that great interest should attach to discussions of the relation of this array of organizations to our social questions, and that religious leaders everywhere are making many experiments in the line of social reform schemes. This is likewise true in England, where quite different conditions prevail in church life. Bishop Potter has spent one month of his summer vacation this year at one of the down-town mission stations in New York City engaged ostensibly in slum work, but we may be sure that in addition to enforcing by example his teaching that men of ability in the more favored churches owe some part of their time and talents to the weaker ones, the sagacious Bishop has had his eyes open and has done not a little in social experimentation the result of which we may expect to see elaborated in some program next winter. A large amount of popular but thoughtful literature on the subject of church organizations taking a more direct hand in social reform movements is meeting with a hearty response. In

England the *Economic Review*, which is the organ of the Oxford University Branch of the Christian Social Union, publishes regular contributions devoted to this question. Among the more notable recent articles are the following: "Is the Individualist or Collectivist View of Social Progress More in Accordance with the Teaching of Christ," by Rev. Frederic Relton (published in October number, 1894) and "The Church of God and Social Work," by Rev. Canon H. S. Holland, M. A. (published in January, 1895). Mr. Relton takes a very conservative view and Canon Holland a more radical one. Both gentlemen insist that the spiritual side of church work must be kept securely in the first place, and their suggestions for positive social work are therefore especially interesting as indicating the limits and limitations of church organizations in such lines of work. Professor John R. Commons, of Indiana University, has rendered a real service in publishing in a small convenient volume* a series of six essays, most of which were written for special occasions and printed separately elsewhere. The subjects treated are: "The Christian Minister and Sociology," "The Church and the Problem of Poverty," "The Educated Man in Politics," "The Church and Political Reforms," "Temperance Reform" and "Municipal Monopolies" and "Proportional Representation," which have a rather remote relation to the general topic of the volume and seem rather out of place. Professor Commons has a clear insight into problems he discusses and a happy way of expressing his thoughts. He makes an able pioneer in arousing thought on subjects that have been allowed too much free-play in the outer circles of consciousness and which it is desirable that more individuals should subject to more rigid consideration. Herein lies Professor Commons' power, but his deductions and conclusions will be taken *cum grano salis* by well-trained and cautious students.

American Journal of Sociology.—With the American Institute of Sociology launched in new and more progressive lines of work and a new journal devoted entirely to sociology, the out-look for more effective work in this science in America is encouraging. It is a pity that the Institute and the journal do not stand in some vital relation to each other as otherwise the title to the new periodical will doubtless mislead many persons to suppose it is the organ of the Institute. The circular of announcement tells us that "a scientific journal of sociology should be of practical social service in every issue, in discrediting pseudo-sociology and in forcing social doctrinaires back to accredited facts and principles." That is a pretty large

*"Social Reform and the Church." By JOHN R. COMMONS, with an introduction of Professor R. T. ELY. Pp. 176. New York: Thomas Y. Crowell & Co., 1894.

contract for "every issue" and we hope the new journal will not get discouraged. It claims to be needed "to work against the growing popular impression that short-cuts may be found to universal prosperity, and to discountenance utopian social programs." The University of Chicago has assumed the financial responsibility and Professor Albion W. Small, the head of the department of sociology, will be editor-in-chief and the other members of the sociological staff, associate editors. The scope of the journal is indicated as follows:

1. It will be primarily technical. By this it is not meant that the journal will be devoted chiefly to discussions of the methodology of sociological investigations, but that it will aim to extend, classify and clarify knowledge of the permanent principles illustrated by actual social conditions and actions past and present.

2. It will be incidentally and secondarily general. This does not mean that it will attempt to be "popular" in the widest sense. It will not attempt to attract immature or ignorant readers. Except in articles addressed to professional sociologists, the journal will be as free as possible from professional technicalities, and will try to present results of research in a form that will appeal to all people capable of forming respectable judgments upon difficult social questions.

3. It will attempt to exhibit sociological conclusions, or to state the conditions of social problems in such a way that they will be seen to have a double bearing; viz., first, upon the general or special doctrines of social philosophy; second, upon the practical decisions of men of affairs.

4. It will aim to become indispensable to all thinkers, whatever their special industrial or social interests, who desire to know the best that has been learned or thought about rearrangement of social effort in the interest of larger usefulness. Thus: (*a*) sociologists, scientific writers, teachers, sociological students; (*b*) publicists of all classes, except those who are publicists solely for private ends; (*c*) journalists, except those whose policy is to work the public rather than to work for the public; (*d*) clergymen and others who are trying to improve society by direct moral and religious influence; (*e*) workers in connection with state, county, municipal or private charities; (*f*) officers of all grades in public school systems; (*g*) specialists in particular social sciences, who need to relate their part of the subject to the *whole* from which it is an abstraction.

5. To meet the demands of these classes the *American Journal of Sociology* will be devoted to: (*a*) systematic and technical sociology; (*b*) examinations of the rational basis or lack of basis beneath proposed plans of state or private effort for social improvement; (*c*) description and explanation of institutions which are superficially

familiar, whose significance is understood by few; (*d*) relations of the educational factor in civilization to possible social progress; (*e*) the economy of effort by churches for social improvement; (*f*) the sociological significance of work done in the other sciences; (*g*) results of investigation of special phases of contemporary society; (*h*) reports of social movements and experiments. Observers at favorable points in America and Europe will contribute: (*i*) conclusions of theory and experience about administration of penal and charitable institutions; (*j*) critical bibliographies; (*k*) reviews of new book and magazine literature; (*l*) editorial comment upon current events, interpreted by sociological criteria; (*m*) organization of available knowledge about social conditions into practical plans for improvement.

6. The cardinal principle of editorial policy will be insistence that the relation of details to the whole plexus of societary activities, past, present and future, shall be the fundamental consideration in all the contents of the journal. The sociological point of view will thus be maintained in distinction from the standpoint of the specialist, either in abstraction or in concrete action.

The *Journal* is to be a bi-monthly, the first number dated July 15, 1895, and subsequent numbers appearing on the first day of September, November, January, March, May and July. Price, $2.00 a year.

CURRENT BIBLIOGRAPHY.

[NOTE:—Space will not permit the insertion of titles of all articles in the leading English and American Monthlies, Quarterlies and Reviews; a very comprehensive index to that literature is to be found in the current numbers of the *Review of Reviews*.]

Sociological Theory:

"*La morale sociale.*" By B. MALON. Pp. 394. Paris: F. Alcan, 1895.

"*Die socialen Lehren des Freiherrn Karl von Vogelsang.*" By W. KLOPP. Pp. 643. Price 6m. 20. St. Pölten: Pressvereinsdruckerei, 1895.

"*La cité moderne et la métaphysique de la sociologie.*" By J. IZOULET. Pp. 700. Paris: F. Alcan, 1895.

"*Etudes de sociologie. Des moyens pratiques pour parvenir à la suppression de la paix armée et de la guerre.*" By R. DE LA GRASSERIE. Pp. 100. Paris: F. Alcan, 1894.

"*La notion du droit naturel, ses rapports avec les lois positive et la science du droit, discours lu à la séance de rentrée de la société de jurisprudence.*" By E. GAZEL. Pp. 24. Toulouse: Imp. St. Cyprien, 1894.

"*La sociologie et le droit*" (Extrait de la *Revue internationale de*

sociologie, January, 1895). By R. WORMS. Paris: Libr. Giard et Brière, 1895.

"*Sur la méthode de la sociologie.*" By BERNIS. *Revue philosophique de la France.* March, 1895.

"*Du naturalisme en matière de sociologie.*" By P. LAPEYRE. *Sociologie Catholique.* April 1, 1895.

"*Essai de notation sociologique.*" By S. NOVICOW. *Revue internationle de sociologie.* April, 1895.

"*Die Gesellschaftsordnung und ihre natürlichen Grundlagen.*" By O. AMMON. *Entwurf einer Social-Anthropologie zum Gebrauch für alle Gebildeten, die sich mit socialen Fragen befassen.* Pp. viii, 408. Price 6m. Jena: G. Fischer, 1895.

"*Die Anarchisten. Eine kriminalpsychologische und sociolog. Studie.*" By C. LOMBROSO. Pp. viii, 139. Price 7m. Nach der 2. Aufl. des orig. deutsch hrsg. v. Hans Kurella. Hamburg, 1895.

"*Vorlesungen über soziale Ethik.*" By GEORGE v. GIZYCKI. Aus seinem-Nachlass hersg. von Lily v. Gizycki. Pp. 88. Price 1.20m. Berlin, 1895.

"*La pathologie sociale.*" By P. v. LILIENFELD. II.—IV.: *Revue internationale de sociologie.* January, March and May, 1895.

"*Horde und Familie in ihrer urgeschichtl. Entwickelung.*" By JOH. RICHARD MUCKE. *Eine neue Theorie auf statist. Grundlage.* Price, 8m. 1895. Stuttgart, Ferd. Enke.

"*Le transformisme social.*" By GUILLAUME DE GREEF. *Essai sur le progrès et le regrès des sociétés.* Pp. 520. Paris: F. Alcan. 1895.

Labor and the Social Question:

"*Les lois d'assurance ouvrière à l'étranger. II. Assurance contre les accidents.*" (*Première Partie.*) By M. BELLOM. Pp. 696. Price, 12 fr. Paris: A. Rousseau, 1895.

"Aspects of Social Reform." By B. BOSANQUET and others. Pp. 330. Price, 3-6. London: Macmillan & Co., 1895.

"*Lois sociales: Récueil des textes de la législation sociale en France.*" By J. CHAILLEY-BERT and A. FONTAINE. Pp. 417. Price, 9 fr. Paris, 1895.

"*La vie nationale: la question sociale.*" By A. LIESSE. Pp. 251. Paris: Larose, 1895.

"*Un projet d'assurance contre le chômage dans le canton de Bâleville.*" By R. JAY. *Revue d'économic politique.* April, 1895.

"*Arbeitslosenstatistik, Arbeitsvermittlung und Arbeitslosenversicherung.*" By K. OLDENBERG. Also "*Die Form der geplanten Arbeitslosenstatistik des deutschen Reichs.*" By K. OLDENBERG. *Jahrbücher für Gesetzgebung*, Vol. xix, No. 2.

"Le travail et le socialisme," "Les Grèves," Conférences de 19 mai et de 20 mai, 1895, données á l'association liberale de Liége. By M. YVES GUYOT. Pp. 74. Liege, 1895.

"Leo XIII. and the Social Question." By Rev. J. A. ZAHM. North American Review, August, 1895.

"The Universities and the Social Problem:" an account of the University Settlements in East London. Edited by J. M. KNAPP. Pp. x, 235. Price, 5s. London: Rivington Percival & Co., 1895.

"Le Chômage moderne, causes et remèdes." By M. THURY. Pp. 146. Genève, 1895.

"Statistique des Grèves et des recours à la concilation et à l'arbitrage survenus pendant l'année 1894. Pp. 304. Paris, Imprimerie National, 1895.

"Die Bedeutung der heutigen Socialdemokratie für Staat und Gesellschaft, oder: was will, kann und soll man?" By v. FECHENBACH LAUDENBACH. Pp. 153. Price 2m. Frankfurt a. m. A. Foesser, 1895.

"Die kapitallose Wirtschaftsweise. Ein Vorschlag zur praktischen Lösung des sozialen Problems." By A. JOHANNSEN. Pp. 32. Price, 1m. Husuna: F. Petersen, 1895.

"Die Versicherung der Arbeiter gegen Arbeitslosigkeit im Kanton Basel-Stadt." Gutachten, erstattet dem Department des Innern des Kantons Basel-Stadt. Publiz. v. Department d. Innern. Pp. 72. Price, 1.60m. Basel: H. Müller, 1895,

"Die Arbeiterversicherung. Eine sozial-hygien. Studie." By ZADEK. Pp. 66. Price, 1.20m. Jena: G. Fischer, 1895.

"Die Abänderung und Erweiterung der Unfallversicherung in Deutschland." By C. HAMPKE. *Zeitschrift für die gesammte Staatswissenschaft.* Jahrg. LI. 2 Hft.

Annuaire des syndicats professionnels, industriels, commerciaux et agricoles constitués, conformément à la loi du 21 mars 1884 en France et en Algérie. Pp. liii, 501. Price, 5 fr. Paris: Libr. Berger-Levrault et Cie, 1894.

"Le sixième congrès internationale des mineurs à Paris." By J. BAILHACHE. *La Science Sociale,* July, 1895.

"Industrial Arbitration in the United States." By EDWARD CUMMINGS. Quarterly Journal of Economics, July, 1895.

"The Effect of an Eight Hours' Day on Wages and the Unemployed." By CHARLES BEARDSLEY, JR. Quarterly Journal of Economics. July, 1895.

Wheelbarrow on the Labor Question. Pp. 303. Price, 35 cents. Chicago: Open Court Pub. Co., 1895.

Second Annual Report of the Factory Inspectors of Illinois for the year ending Dec. 15, 1894. Pp. 197. Springfield, 1895.

Report by Miss Collet on the Statistics of Employment of Women and Girls. Pp. 152. Price, 8*d*. London: Board of Trade, Employment of Women (Labor Department) Govt. Pub. Co. 7564. 1894.

Socialism and Collectivism:

"*Oeuvres de Michel Bakounine: Fédéralisme, Socialisme et Anti-Théologisme.*" By M. KAOUNINE. Pp. 367. Paris: Tresse & Stolle, 1895.

"*Die Vorläufer des neueren Sozialismus. I. Theil. von Plato bis zu den Wiedertäufern.*" By K. KLAUTSKY. Pp. 436. Price, 4.50m. Stuttgart: Dietz, 1895.

"*Les préjuges socialistes.*" *Conférence de* M. YVES GUYOT. *April 24, 1895.* Pp. 49. Pub. du "*Siecle*," 1895.

"*Le socialisme, sa force et sa faiblesse, à propos d'un récent ouvrage Américain.*" By RAPHAEL GEORGES LEVY. *La Reforme sociale*, July 16, Aug. 1.

"*La derivazione del socialismo dal trasformismo evoluzionistico. Appunti critici sopra un libro di E. Ferri.*" By A. RENIER. *Revista internazionale di scienze socali e discipline ausiliarie.* June, 1895.

"*Die Verwirklichung des Sozialismus. Auf welche Weise kann die kapitalist. Produktion in die sozialist. umgewandelt werden?*" By P. AUHUTH. Pp. 23. Price, 0.50m. Mainz, 1895.

"*Die Sozialdemokratie u. das allgemeine Stimmrecht, mit besond. Berücksichtigung des Frauen-Stimmrechts u. Proportional-Wahlsystems.*" By A. BEBEL. Pp. 56. Price, 0.20m. Berlin: Buchh. des Vorwärts.

"*Sozialismus u. moderne Wissenschaft.*" (Darwin, Spencer, Marx). By E. FERRI. *Uebers. u. ergänzt von Kurella.* Pp. 183. Price, 1.50m. Leipzig: G. H. Wigand, 1895.

Charities:

"Manufacturing a New Pauperism." By C. S. LOCH. *Nineteenth Century*, April, 1895.

"*Bericht über die 14. Jahresversammlung des deutschen Vereins für Armenpflege und Wohlthätigkeit.*" By E. MÜNSTERBERG. *Jahrbücher für Gesetzgebung*, Vol. xix, No. 2.

"The Better Administration of the Poor Law." By W. CHANCE. Pp. 272. Price 6*s*. London: Sonnenschein, 1895.

"Life Insurance in its Relation to One of the Dependent Classes." By E. O. BARDWELL, M. D. Pp. 6. Reprinted from the *Bulletin of the American Academy of Medicine.* Vol. II, No. 1.

"*Schriften des deutschen Vereins für Armenpflege und Wohlthätigkeit.*" 20 Hft. *Stenographischer Bericht über die Verhandlungen der 14. Jahresversammlung des deutschen Vereins für Armenpflege u. Wohlthätigkeit am 25 September 1894 in Köln, betref. ehrenamtl. u. berufsamtl. Thätigkeit in der städt. Amenpflege: Grundsätze über Art und Höhe der Unterstützgn, die Bestrebungen der Privatwohlthätigkeit und ihre Zusammenfassg.* Pp. 151. Price 3m. Leipzig: Duncker & Humblot, 1895.

"*Das österreichische Heimatsrecht und seine Reform.*" By REDLICH. *Jahrbücher für Nationalökonomie.* III F. IX Bd. 2 Hft.

"*Interkantonale und internationale Armenpflege.*" By G. VOGT. *Schweizerische Zeitschrift für Gemeinnützigkeit.* XXXIV Jahrg. 1 Hft.

"*Les enfants maltraités ou moralement abandonnés.*" By P. BLANC. Pp. 130. Price 2.25 frs. Paris: Libr. Chevalier-Maresq. et Cie., 1895.

New York Charities Directory. Sixth Edition. Pp. 572. Price $1. New York: Charity Organization Society, 1895.

Miscellaneous:

"Female Criminals." By Major GRIFFITHS. North American Review, August, 1895.

"*Der evangelisch-sociale Kongress in Frankfurt a. M.*" By R. RÖDER. Pp. 49. Price 1m. Stuttgart: Ch. Belser, 1895.

"*Bericht des Bundesrates an die Bundesversammlung betreffend die Geschäftsführung und die Rechnung der Alkoholverwaltung pro 1894.*" Vom 31 Mai 1895. Pp. 136. Bern.